

## **TITLE XV: LAND USAGE**

### **Chapter**

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## CHAPTER 150: BUILDING REGULATIONS

### Section

150.99 Penalty

#### **Cross reference:**

*Building permits, see § 154.277*

#### ***Kentucky Building Code***

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#### ***KENTUCKY BUILDING CODE***

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#### **§ 150.01 ADOPTION BY REFERENCE.**

The Kentucky Building Code, 815 KAR 7:010 and 7:020, as promulgated by the Board of Housing, Buildings and Construction of the Commonwealth of Kentucky pursuant to Chapter 198B of Kentucky Revised Statutes, being specifically the editions therefor and all codes, standards, and regulations contained or incorporated therein by reference, a copy of which said Kentucky Building Code is now on file in the office of Campbell County Clerk, which said copy shall be kept thereof open for inspection and use by the public at all reasonable hours is hereby approved and adopted as an ordinance of the county, the same as if set out at length herein. (Ord. 0-8-88, passed 3-16-88)

#### ***Existing Structures Code***

- 150.40 Adoption by reference
- 150.41 Amendments

#### **§ 150.02 APPLICATION.**

The provisions of the Kentucky Building Code shall apply to and be controlling over all matters within the scope thereof, including the construction of all single-family dwellings, in the county. (Ord. 0-8-88, passed 3-16-88)

#### ***Building Code Appeals Board***

- 150.55 Establishment
- 150.56 Membership; term
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- 150.70 Definitions
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- 150.74 Electric permits required
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#### **§ 150.03 ENFORCEMENT OFFICER.**

The Building Inspector/Codes Administrator of the county is hereby designated as the local enforcement officer for the Kentucky Building Code in the unincorporated county. (Ord. 0-8-88, passed 3-16-88)

**§ 150.04 FEES.**

The fees for the permits and inspections required by the Kentucky Building Code shall be as established by separate resolution of the County Fiscal Court.

(Ord. 0-8-88, passed 3-16-88)

**STANDARDS OF SAFETY****§ 150.20 ADOPTION BY REFERENCE.**

Pursuant to the authority in and the requirements of KRS 227.321, Administrative Regulations 815 KAR 10:040, the standards of safety (fire prevention code) promulgated by the commissioner of the Department of Housing, Buildings and Construction of the Commonwealth of Kentucky on the advice and recommendations of the State Fire Marshal and pursuant to the requirements of KRS 227.300, and the whole thereof, including all codes and standards contained or incorporated therein by reference, together with all subsequent amendments or revisions thereto, are herein incorporated by reference, the same as if the said standards of safety were specifically rewritten at length herein in words and figures, and the said standards of safety are hereby approved as an ordinance of this county. Copies of 815 KAR 10:040, the Standards of Safety, are available to the general public through the Department of Housing, Buildings and Construction, 1047 U.S. 127 South, Frankfort, Kentucky 40601. (Ord. O-3-93, passed 3-17-93)

**§ 150.21 APPLICABILITY.**

(A) The provisions of this subchapter, and all codes and standards herein incorporated by reference, shall be the minimum requirements and controls to safeguard life, property or public welfare from the hazards of fire and explosion arising from the storage, handling or use of substances, materials or devices and from conditions hazardous to life, property or public welfare in the use or occupancy of buildings, structures, sheds, tents, lots, or premises in this county, and the provisions hereof shall be liberally construed for such purpose.

(B) The provisions of this subchapter shall apply equally to new and existing conditions with the following exceptions: existing conditions which do not constitute a distinct hazard to life or property; or the

transportation of any article or substance under the jurisdiction of and in compliance with the regulations prescribed by the military forces of the United States. (Ord. O-3-93, passed 3-17-93)

**§ 150.22 EXEMPTIONS.**

Buildings built under and in full compliance with the codes in force at the time of construction or alteration thereof, and that have been properly maintained and used for such use as originally permitted, shall be exempt from the requirements of this subchapter pertaining to any of the following matters, except as otherwise provided for in the standards of safety herein incorporated by reference:

(A) Fire protection of building elements except as required for buildings under Article 4 of the standards of safety herein incorporated by reference or the Kentucky Building Code.

(B) Exits required, except as required for existing buildings under Article 4 of the standards of safety herein incorporated by reference or the Kentucky Building Code.

(C) Isolation of hazardous operations and mixed uses as required for existing buildings under the provisions of the standards of safety herein incorporated by reference or the Kentucky Building Code; provided, however, that the code official requires the installation of fire safety devices or systems (fire extinguishers, fire protective signaling systems, automatic fire detection devices, sprinklers, or similar systems) where such devices or systems are necessary to provide safety to life and property. In lieu of requiring the installation of safety devices or systems or when necessary to secure safety in addition thereto, the code official shall prescribe limitation on the handling and storage of material or substances or upon operations that are liable to cause fire, contribute to the spread of fire, or endanger life or property. (Ord. O-3-93, passed 3-17-93)

**§ 150.23 ENFORCEMENT OFFICIAL.**

(A) The fire chief or his designee of each fire department officially recognized by the office of the state fire marshal customarily providing fire protections whether paid or unpaid, is hereby authorized to inspect property, issue permits for open burning authorized by the provisions of Article 3 of the standards of safety herein incorporated by reference, make written reports

and recommend fire hazards to be remedied within his jurisdiction, or cause such property to be inspected other officers or members of the fire department as the chief may designate. The fire chief shall refer failures to comply with his recommendation to the State Fire Marshall for enforcement pursuant to KRS 227.330.

(B) It shall be the duty of all peace officers of the county to render all possible assistance in the enforcement of this subchapter and of the standards of safety herein incorporated by reference for the protection of the public. The Chief of County Police is hereby authorized and directed to cause county police officers to periodically enter all occupied places of public assembly for the purpose of the enforcement of provisions of this subchapter relating to overcrowding and maintenance of required exits therein; and to enter upon private property to enforce required fire lane open space in parking lots containing space for ten or more vehicles.  
(Ord. O-3-93, passed 3-17-93)

#### **§ 150.24 CONFLICTING REGULATIONS.**

(A) The standards of safety herein incorporated by reference are to be used in conjunction with existing laws, ordinances and regulations adopted or otherwise in force in the jurisdiction, and nothing contained therein shall be construed as rendering other applicable laws, ordinances or regulations invalid. However, if a conflict exists between a provision of the standards of safety and the Kentucky Building Code, the provisions of the building code shall prevail.

(B) Any changes, alterations or repairs in existing buildings which are required by the application of any provision of the standards of safety herein incorporated by reference shall be made in accordance with the applicable provisions of the Kentucky Building Code for the appropriate occupancy use classification.

©) Nothing in the standards of safety herein incorporated by reference shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action or existing, under any act of ordinance or regulations in force prior to the effective date of this subchapter.  
(Ord. O-3-93, passed 3-17-93)

#### **§ 150.25 PERMITS AND FEES.**

(A) All permits required by the provisions of the standards of safety herein incorporated by reference, safe and except for open burning permits under Article 3 thereof, shall be issued by the fire chief or his designee upon application in writing, signed by the owner or the occupant, as appropriate, to do so. Permits for open burning pursuant to Article 3 of the standards of safety shall be issued by the fire department having jurisdiction over the property upon which such burning is to take place.

(B) Each permit required to be issued under the provisions of the standards of safety herein incorporated by reference shall be issued only upon payment by the owner or occupant, as appropriate, of a fee in such amount as shall be determined by the Fiscal Court of the county from time to time; provided that there shall be no fee required for permits for open burning for agricultural, silvicultural or range or wildlife management practices, prevention or control of disease or pests, heating for warmth of outworkers, and a bonfire.  
(Ord. O-3-93, passed 3-17-93)

#### **§ 150.26 OPEN BURNING.**

Open burning shall be prohibited unless authorized in writing by the local fire chief or his designee.  
(Ord. O-3-93, passed 3-17-93) Penalty, see § 150.99

### ***EXISTING STRUCTURES CODE***

#### **§ 150.40 ADOPTION BY REFERENCE.**

A certain document, one copy of which is on file in the following offices of the County Clerk and County Building Inspector/Codes Administrator being marked and known as "The BOCA Basic/National Existing Structures Code, First Edition, 1984" as published by The Building Officials and Code Administrators International, Inc., is hereby adopted as the Existing

Structures Code of County of Campbell, Commonwealth of Kentucky; for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions, and terms of said BOCA Basic/National Existing Structures Code are hereby referred to, adopted, and made a part hereof, as is fully set out in this subchapter with the additions, insertions, deletions and changes prescribed in § 150.41. (Ord. 0-6-86, passed 8-20-86)

#### **§ 150.41 AMENDMENTS.**

The following sections of said BOCA Basic/National Existing Structures Code are hereby revised as follows:

(A) In Section ES-100.1 (page 1, second line). Insert the words "Campbell County, Kentucky" in the space provided for name of jurisdiction.

(B) Delete Section ES-110.2 (page 8, lines 1 through 6) in its entirety and insert in lieu thereof the following new Section ES-110.2; "Penalty: Any person, firm or corporation, who shall violate any provision of this code shall, upon conviction thereof, be guilty of a Class A misdemeanor punishable by a fine or imprisonment, or both such fine and imprisonment, at the discretion of the court. Each day that a violation continues after due notice has been served, in accordance with the terms and provisions hereof, shall be deemed a separate offense."

©) In Section ES-112.4 (page 10, second line) insert "ten (10) business" in the space provided for number of days in which a person affected has to apply to a court of record for a restraining order. (Ord. 0-6-86, passed 8-20-86)

#### ***BUILDING CODE APPEALS BOARD.***

#### **§ 150.55 ESTABLISHMENT.**

There is hereby established and created the Kentucky Building Code Appeals Board of Campbell County, Kentucky pursuant to KRS Chapter 198B and 815KAR 7:010 (hereinafter referred to as Board). (Ord. 0-15-80, passed 10-6-80)

#### **§ 150.56 MEMBERSHIP; TERM.**

(A) Membership of the Board shall consist of five members including a chairperson and any other officer which the Board may appoint from the membership. The members of the Board shall be appointed by the County Judge/Executive with the approval of the other members of the Fiscal Court.

(B) Board members shall be appointed for a four year term and at least three of the Board members shall be technically qualified persons with professional experience related to the building industry. (Ord. 0-15-80, passed 10-6-80)

#### **§ 150.57 APPEALS PROCEDURE.**

(A) The purpose of the Building Code Appeals Board is to hear appeals of the decisions of the County Building Official charged with the responsibility of enforcing the Kentucky Building Code. No building official or his employee may sit on the Board if the Board is hearing an appeal of a decision rendered by his department; and no member of the Board shall hear an appeal in a case in which he has a private or financial interest.

(B) Any party adversely affected by the decision of the building official may appeal to the Board. An appeal must be made in writing and filed with the Chairperson or his designated agent within 30 days of the date of the decision being appealed. The appeal shall state the following minimum information: the name and the address of the party making the appeal; the location, including street number and city, where applicable, of the property involved; a statement of the action taken by the building official; and a statement of why the party making the appeal believes the decision of the building official is incorrect, improper, or in violation of the Kentucky Building Code. Also, if the person making the appeal is represented by an attorney, the name and address of same. The address to which the appeal should be mailed or delivered shall be made available at the County Fiscal Court Building.

©) Upon timely receipt of an appeal from a qualified party, the Board shall convene a hearing to consider the appeal within 15 days of receipt. Said hearing shall be open to the public unless requested otherwise by all parties making the appeal.

(D) All parties to the appeal shall be notified of the time and place of the hearing by letter mailed by registered mail no later than ten days prior to the date of the hearing.

(E) The Board shall render a decision within five working days after the hearing. The Board may uphold, amend, or reverse the decision of the building official. The Board's decision shall be in writing and a copy mailed to the building official and to all parties to the appeal.

(F) There shall be no appeal from the decision of the Board other than an appeal to the Kentucky Board of Housing, Building and Construction as provided for in KRS Chapter 198B.  
(Ord. 0-15-80, passed 10-6-80)

### § 150.58 RULES AND REGULATIONS.

The Board shall have the authority to adopt rules and regulations for its administration and regulation, and for the procedure in conducting hearings.  
(Ord. 0-15-80, passed 10-6-80)

### § 150.59 CONFLICTING PROVISIONS.

In the event any provision of this subchapter shall be deemed invalid or in violation of the Kentucky Building Code or other statute, said invalidity shall not affect the validity of the remaining sections of this subchapter.  
(Ord. 0-15-80, passed 10-6-80)

## ***ELECTRICAL CODE***

### § 150.70 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***ELECTRICAL CONTRACTOR.*** Any individual, partnership or corporation that engages in the business of or employs others for the construction, alteration or repair of any electrical wiring used for the purpose of furnishing heat, light or power.

***ELECTRICIAN.*** Any person who is employed by an electrical contractor and is engaged in the construction, alteration or repair of any electrical wiring used for the purpose of furnishing heat, light or power.

***ELECTRICAL.*** Pertains to the installation of wires and conduits for the purpose of transmitting electricity, and the installation of fixtures and equipment in connection therewith.

***ELECTRICAL INSPECTOR.*** Any person certified by the Commissioner of Housing, Buildings, and Construction pursuant to KRS 227.489 who, for compensation, inspects the construction and installation of electrical conductors, fittings, devices and fixtures for light, heat or power service equipment to ascertain the compliance with the national electrical code incorporated in the uniform state building code promulgated pursuant to KRS 198B.050 or the standards of safety of the Commonwealth of Kentucky.  
(Ord. 0-1-91, passed 3-6-91; Am. Ord. O-16-94, passed 11-2-94)

### § 150.71 UNIFORM STATE BUILDING CODE ADOPTED BY REFERENCE.

The Uniform State Building Code as is established by the Board of Housing, Buildings and Construction of the State of Kentucky, is hereby adopted in full by this chapter, and the same shall have the effect as if it were written fully herein, as a minimum standard for the construction, alteration and repair of any electrical wiring done within the effective area of this chapter. These standards shall also be used by the electrical inspector in making his inspections.  
(Ord. 0-1-91, passed 3-6-91; Am. Ord. O-16-94, passed 11-2-94)

### § 150.72 ELECTRIC AUTHORITY MEMBERSHIP; DUTIES.

The formerly established Northern Kentucky Electric Authority, the examining and appeal board currently consisting of seven members which may be increased as authorized in KRS 227.470, shall:

(A) Administer electrical contractor's examinations which have been selected and approved by the Department of Housing, Buildings and Construction and administer electrician examinations;

(B) Have the power to issue, renew, suspend and revoke electrical contractor and electrician licenses;

(C) Have the power to require electrical contractors and electricians to pay reasonable fees for examinations, initial licenses and renewals;

(D) Accept an electrical contractor examination certificate issued by the Department of Housing, Buildings and Construction as evidence that an applicant has met the examination requirements;

(E) Have the power to require all electrical contractors and electricians to conform to reasonable standards prior to engaging in their occupation;

(F) Compile and submit to the Department of Housing, Buildings and Construction all disciplinary actions taken against licensed electrical contractors on a quarterly basis;

(G) Have all other powers authorized for a "local examining board" by KRS 227.450 et seq. (Ord. 0-1-91, passed 3-6-91; Am. Ord. O-16-94, passed 11-2-94)

#### **§ 150.73 LICENSE REQUIRED.**

(A) It shall be unlawful for any person to engage in the business of installing, altering or repairing, within the limits of Campbell County, Kentucky, any electrical wiring, devices or equipment unless such individual is the holder of the electrical contractors license or employed by a licensed electrical contractor and a holder of an electrician's license. Application for such license must be made in writing to the Board, stating the name, experience and qualifications of applicant. Upon said applicant's complying with the requirements of this chapter and passing an examination approved by the Northern Kentucky Electric Authority, a license shall be granted to the individual applying for the same.

(B) It shall be unlawful for any person to advertise or otherwise hold himself out to the public as a licensed electrical contractor or as a licensed electrician, within the limits of Campbell County, unless he is, in fact, the holder in good standing of such license issued by the Northern Kentucky Electric Authority. (Ord. 0-1-91, passed 3-6-91; Am. Ord. O-16-94, passed 11-2-94; Am. Ord. 0-14-98, passed 10-21-98) Penalty, see § 150.99

#### **§ 150.74 ELECTRIC PERMITS REQUIRED.**

(A) Electric permits shall be obtained prior to the installation, addition, alteration, repair, relocation or removal of electrical wiring.

(B) The Campbell County Fiscal Court shall grant an electrical inspection waiver to Union, Light Heat and Power Co. (ULH&P) for the purpose of instituting the Peak Conservation Plan in Campbell County, Kentucky.

©) The cost of the permit for electrical installation, additions, alterations, repair, relocation or removal shall be \$20, for one- and two-family residential permits, \$40 for commercial or multi-family residential industrial permits.

(D) All electrical permits shall be obtained from the office of the Campbell County Building Codes Administrator. (Ord. 0-2-91, passed 3-6-91) Penalty, see § 150.99

#### **§ 150.75 AGREEMENT OF RECIPROCITY.**

There is hereby established an agreement of reciprocity between Kenton, Campbell and Boone Counties and any other county in which there exists legislation basically containing the provisions of this chapter and the County Judge/Executive is hereby authorized to execute an interlocal agreement with any such county.

(Ord. 0-1-91, passed 3-6-91; Am. Ord. O-16-94, passed 11-2-94)

#### **§ 150.99 PENALTY.**

Any person, firm or corporation violating any of the provisions of §§ 150.20 through 150.26 or failing to comply with any order issued pursuant to any section thereof shall be subject to applicable civil, criminal and administrative remedies stated in KRS 227. Any person, firm or corporation found guilty of violating any of the provisions of the code, or failing to comply with any order issued pursuant to any section thereof, shall be guilty of a class A misdemeanor and upon conviction thereof shall be punished by a fine up to \$500, or by imprisonment up to 12 months in the county jail or both. Each day that a violation continues, after a service of notice as provided for in this code, shall be deemed a separate offense. Any person, firm or corporation violating the provisions of §§ 150.73 or 150.74 shall be guilty of a misdemeanor and, upon conviction in any court of competent jurisdiction, shall be fined not less than \$25 nor more than \$250 or imprisoned for not more than 90 days, or both, so fined and imprisoned in the discretion of the court for each offense, and each



day that said person, firm or corporation violates the provisions of §§ 150.73 or 150.74, or any other provision thereof may be deemed a separate offense. Each day that a violation of these sections exists or continues shall, in the discretion of the court, constitute a separate offense.

(Ord. 0-13-84, passed 10-2-84; Am. Ord. 0-1-91, passed 3-6-91; Am. Ord. 0-2-91, passed 3-6-91; Am. Ord. 0-3-93, passed 3-17-93; Am. Ord. 0-16-94, passed 11-2-94; Am. Ord. 0-2-96, passed 5-1-96)



## CHAPTER 151: FLOOD DAMAGE PREVENTION

### Section

151.99 Enforcement, violation notice, and penalties

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- 151.60 Nature of variances
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### **GENERAL PROVISIONS**

#### **§ 151.01 STATUTORY AUTHORIZATION.**

The legislature of the Commonwealth has in KRS Ch. 100 delegated to local government units the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the Fiscal Court of the county hereby adopts the following floodplain management ordinance, as follows in this chapter.  
(Ord. O-23-04, passed 11-17-04)

#### **§ 151.02 FINDINGS OF FACT.**

(A) The flood hazard areas of the county are subject to periodic inundation which result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all which adversely affect the public health, safety, and general welfare.

(B) These flood losses are caused by the cumulative effect of obstructions in floodplains causing increased flood height and velocity, and by the location in flood hazard areas of uses vulnerable to floods or hazardous to other lands which are inadequately elevated, flood-proofed, or otherwise protected from flood damage.  
(Ord. O-23-04, passed 11-17-04)

#### **§ 151.03 STATEMENT OF PURPOSE; OBJECTIVES.**

(A) *Purpose.* It is the purpose of this chapter to promote the public health, safety, and general welfare and to minimize public and private loss due to flooding by provisions designed to:

(1) Restrict or prohibit uses which are dangerous to health, safety, and property due to water erosion hazards, or which result in damaging increases in erosion or in flood height or velocity;

(2) Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

(3) Control the alteration of natural floodplains, stream channels, and natural protective barriers which accommodate or channel flood waters;

(4) Control filling, grading, dredging, and other development which may increase erosion or flood damage; and,

(5) Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other areas.

(B) *Objectives.* The objectives of this chapter are to:

(1) Protect human life and health;

(2) Minimize expenditure of public money for costly flood control projects;

(3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(4) Minimize prolonged business interruptions;

(5) Minimize damage to public facilities and utilities such as water and gas mains; electric, telephone and sewer lines; streets and bridges located in areas of special flood hazard;

(6) Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard or other flood-prone areas in such a manner as to minimize future flood-blighted areas caused by flooding;

(7) Ensure that potential home buyers are on notice that property is in a special flood hazard area; and,

(8) Ensure that those who occupy a special flood hazard area assume responsibility for their actions.

(Ord. O-23-04, passed 11-17-04)

#### § 151.04 DEFINITIONS.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted to give

them the meaning they have in common usage and to give this chapter its most reasonable application. For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**100-YEAR FLOOD.** See **ONE-HUNDRED YEAR FLOOD.**

**500-YEAR FLOOD.** See **FIVE-HUNDRED YEAR FLOOD.**

**A ZONE.** Portions of the special flood hazard area (SFHA) in which the principle source of flooding is runoff from rainfall, snowmelt, or a combination of both. In A Zones, floodwaters may move slowly or rapidly, but waves are usually not a significant threat to structures. Areas of 100-year flood, base flood elevations, and flood hazard factors are not determined.

**A1—30 AND AE ZONES.** Special flood hazard areas inundated by the 1% annual chance flood (100-year flood). Base flood elevations (BFEs) are determined.

**A99 ZONE.** That part of the SFHA inundated by the 100-year flood which is to be protected from the 100-year flood by a federal flood protection system under construction. No base flood elevations are determined.

**ACCESSORY STRUCTURE** or **APPURTENANT STRUCTURE.** A structure located on the same parcel of property as the principle structure, the use of which is incidental to the use of the principle structure. **ACCESSORY STRUCTURES** should constitute a minimal initial investment, may not be used for human habitation, and should be designed to have minimal flood damage potential. Examples of **ACCESSORY STRUCTURES** are detached garages, carports, storage sheds, pole barns, and hay sheds.

**ACCESSORY USE.** A use which is incidental and subordinate to the principal use of the parcel of land on which it is located.

**ADDITION (to an existing structure).** Any walled and roofed expansion to the perimeter of a structure in which the addition is connected by a common load-bearing wall other than a firewall. Any walled and roofed addition, which is connected by a firewall or is separated by independent perimeter load-bearing walls, is new construction.

**AE ZONES.** See **A1—30 AND AE ZONES.**

**APPEAL.** A request for a review of the Floodplain Administrator's interpretation of any provision of this chapter or from the Floodplain Administrator's ruling on a request for a variance.

**APPURTENANT STRUCTURE.** See **ACCESSORY STRUCTURE.**

**AR/A1—A30, AR/AE, AR/AH, AR/AO, AND AR/A ZONES.** Special flood hazard areas (SFHAs) that result from the de-certification of a previously accredited flood protection system that is in the process of being restored to provide a 100-year or greater level of flood protection. After restoration is complete these areas will still experience residual flooding from other flooding sources.

**B AND X ZONES (shaded).** Areas of the 0.2% annual chance (500-year) flood, areas subject to the 100-year flood with average depths of less than one foot or with contributing drainage area less than one square mile, and areas protected by levees from the base flood.

**BASE FLOOD.** A flood which has a 1% percent chance of being equaled or exceeded in any given year (also called the 100-year flood). **BASE FLOOD** is the term used throughout this chapter.

**BASE FLOOD ELEVATION or BFE.** The elevation shown on the flood insurance rate map (FIRM) for Zones AE, AH, A1—30, AR, AR/A, AR/AE, AR/A1—A30, AR/AH, and AR/AO that indicates the water surface elevation resulting from a flood that has a 1% or greater chance of being equaled or exceeded in any given year.

**BASEMENT.** That portion of a structure having its floor subgrade (below ground level) on all four sides.

**BFE.** See **BASE FLOOD ELEVATION.**

**BUILDING.** A walled and roofed structure that is principally aboveground, including a manufactured home, gas or liquid storage tank, or other man-made facility or infrastructure. See definition for **STRUCTURE.**

**C AND X ZONES (unshaded).** Areas determined to be outside the 500-year floodplain.

**COMMUNITY.** A political entity having the authority to adopt and enforce floodplain ordinances for the area under its jurisdiction.

**COMMUNITY FLOOD HAZARD AREA or CFHA.**

An area that has been determined by the Floodplain Administrator (or other delegated, designated, or qualified community official) from available technical studies, historical information, and other available and reliable sources, which may be subject to periodic inundation by floodwaters that can adversely affect the public health, safety, and general welfare. Included are areas downstream from dams.

**COMMUNITY RATING SYSTEM or CRS.** A program developed by the Federal Insurance Administration to provide incentives to those communities in the regular program to go beyond the minimum floodplain management requirements to develop extra measures for protection from flooding.

**CRITICAL FACILITY.** Any property that, if flooded, would result in severe consequences to public health and safety or a facility which, if unusable or unreachable because of flooding, would seriously and adversely affect the health and safety of the public. **CRITICAL FACILITIES** include but are not limited to: housing likely to contain occupants not sufficiently mobile to avoid injury or death unaided during a flood; schools, nursing homes, hospitals, police, fire and emergency response installations, vehicle and equipment storage facilities, emergency operations centers likely to be called upon before, during and after a flood, public and private utility facilities important to maintaining or restoring normal services before, during and after a flood, and those facilities or installations which produce, use, or store volatile, flammable, explosive, toxic and/or water-reactive materials, hazardous materials, or hazardous waste.

**CRS.** See **COMMUNITY RATING SYSTEM.**

**D ZONE.** An area in which the flood hazard is undetermined.

**DEVELOPMENT.** Any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, or permanent storage of materials or equipment.

**ELEVATED STRUCTURE.** A non-basement structure built to have the lowest floor elevated above ground level by means of fill, solid foundation perimeter walls, piling, columns (post and piers), shear walls, or breakaway walls. (See **FREEBOARD** and freeboard requirements for residential and non-residential structures.)

**ELEVATION CERTIFICATE.** A statement certified by a registered professional engineer or surveyor on the FEMA-approved form in effect at the time of certification that verifies a structure's elevation and other related information to verify compliance with this chapter.

**EMERGENCY PROGRAM.** The initial phase under which a community participates in the NFIP, intended to provide a first layer amount of insurance at subsidized rates on all insurable structures in that community before the effective date of the initial FIRM.

**ENCLOSURE.** That portion of a structure below the base flood elevation (BFE) used solely for parking of vehicles, limited storage, or access to the structure.

**ENCROACHMENT.** The physical advance or infringement of uses, plant growth, fill, excavation, structures, permanent structures, or development into a floodplain, which may impede or alter the flow capacity of a floodplain.

**EXISTING CONSTRUCTION** or **EXISTING STRUCTURES.** Any structure for which the **START OF CONSTRUCTION** commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. **EXISTING CONSTRUCTION** may also be referred to as **EXISTING STRUCTURES**.

**EXISTING MANUFACTURED HOME PARK OR SUBDIVISION.** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management ordinance adopted by Fiscal Court based on specific technical base flood elevation data which established the area of special flood hazards.

**EXISTING STRUCTURES.** See **EXISTING CONSTRUCTION**.

**EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION.** The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

**FHBM.** See **FLOOD HAZARD BOUNDARY MAP**.

**FIRM.** See **FLOOD INSURANCE RATE MAP**.

**FIVE-HUNDRED YEAR FLOOD** or **500-YEAR FLOOD.** The flood that has a 0.2% chance of being equaled or exceeded in any year. Areas subject to the 500-year flood have a moderate to low risk of flooding.

**FLOOD, FLOODING, or FLOOD WATER.**

(1) A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source; and/or mudslides (that is, mudflows). See **MUDSLIDES**.

(2) The condition resulting from flood-related erosion. See **FLOOD-RELATED EROSION**.

**FLOOD BOUNDARY AND FLOODWAY MAP** or **FBFM.** A map on which the Federal Emergency Management Agency (FEMA) or Federal Insurance Administration (FIA) has delineated the areas of flood hazards and the regulatory floodway.

**FLOOD HAZARD BOUNDARY MAP** or **FHBM.** A map on which the boundaries of the flood, mudslide (that is, mudflow), and flood-related erosion areas having special hazards have been designated as Zones A, M, and/or E by the Federal Emergency Management Agency (FEMA) or Federal Insurance Administration (FIA).

**FLOOD INSURANCE RATE MAP** or **FIRM.** A map on which the Federal Emergency Management Agency (FEMA) or Federal Insurance Administration (FIA) has delineated special flood hazard areas and risk premium zones.

**FLOOD INSURANCE STUDY.** The report provided by the Federal Emergency Management Agency (FEMA) or Federal Insurance Administration (FIA) containing flood profiles, the Flood Insurance Rate Map (FIRM), and/or the Flood Boundary Floodway Map (FBFM), and the water surface elevation of the base flood.

**FLOOD-PRONE AREA.** See **FLOODPLAIN**.

**FLOOD WATER.** See **FLOOD**.

**FLOODING.** See **FLOOD**.

**FLOODPLAIN** or **FLOOD-PRONE AREA.** Any land area susceptible to being inundated by flood waters from any source.

**FLOODPLAIN ADMINISTRATOR.** The individual appointed by a NFIP participating community to administer and enforce the floodplain management ordinances.

**FLOODPLAIN MANAGEMENT.** The operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management ordinances, and open space plans.

**FLOODPLAIN MANAGEMENT REGULATIONS.** This chapter and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as grading and erosion control), and other applications of police power, which control development in flood-prone areas. This term describes federal, state, and/or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

**FLOODPROOFING.** Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitation facilities, structures, and their contents.

**FLOODPROOFING CERTIFICATE.** A certification by a registered professional engineer or architect, on a FEMA approved form in effect at the time of certification stating that a non-residential structure, together with attendant utilities and sanitary facilities, is watertight to a specified design elevation with walls that are substantially impermeable to the passage of water and that all structural components are capable of resisting hydrostatic and hydrodynamic flood forces, including the effects of buoyancy and anticipated debris impact forces.

**FLOODWAY.** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. Also referred to as the **REGULATORY FLOODWAY**.

**FLOODWAY FRINGE.** That area of the floodplain on either side of the regulatory floodway where encroachment may be permitted without additional hydraulic and/or hydrologic analysis.

**FRAUD AND VICTIMIZATION.** As related in §§ 151.50 through 151.67, "Appeals and Variance

Procedures," the variance granted must not cause fraud on or victimization of the public. In examining this requirement, the Fiscal Court will consider the fact that every newly constructed structure adds to government responsibilities and remains a part of the community for 50 to 100 years. Structures that are permitted to be constructed below the base flood elevation are subject during all those years to increased risk of damage from floods, while future owners of the property and the community as a whole are subject to all the costs, inconvenience, danger, and suffering that those increased flood damages may incur. In addition, future owners may purchase the property, unaware that it is subject to potential flood damage, and can be insured only at very high flood insurance rates.

**FREEBOARD.** A factor of safety, usually expressed in feet above the BFE, which is applied for the purposes of floodplain management. It is used to compensate for the many unknown factors that could contribute to flood heights greater than those calculated for the base flood. **FREEBOARD** must be applied not just to the elevation of the lowest floor or floodproofing level but also to the level of protection provided to all components of the structure, such as building utilities, HVAC components, and the like.

**FUNCTIONALLY DEPENDENT USE FACILITY.** A facility, structure, or other development which cannot be used for its intended purpose unless it is located or carried out in close proximity to water. The term includes only a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, ship repair, or seafood processing facilities. The term does not include long-term storage, manufacture, sales, or service facilities.

**GOVERNING BODY.** The local governing unit, (that is, county or municipality) that is empowered to adopt and implement ordinances to provide for the public health, safety, and general welfare of its citizenry.

**HAZARD POTENTIAL.** The possible adverse incremental consequences that result from the release of water or stored contents due to failure of a dam or misoperation of a dam or appurtenances. The hazard potential classification of a dam does not reflect in any way the current condition of a dam and its appurtenant structures (for example, safety, structural integrity, flood routing capacity).

**HIGHEST ADJACENT GRADE.** The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

**HISTORIC STRUCTURE.** Any structure that is:

(1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

(4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

(a) By an approved state program as determined by the Secretary of the Interior, or

(b) Directly by the Secretary of the Interior in states without approved programs.

**INCREASED COST OF COMPLIANCE or ICC.**

(1) Increased cost of compliance coverage provides for the payment of a claim for the cost to comply with state or community floodplain management laws or ordinances after a direct physical loss by flood. When a building covered by a standard flood insurance policy under the NFIP sustains a loss and the state or community declares the building to be substantially or repetitively damaged, **ICC** will help pay up to \$30,000 for the cost to elevate, floodproof, demolish, or remove the building.

(2) **ICC** coverage is available on residential and non-residential buildings (this category includes public or government buildings, such as schools, libraries, and municipal buildings) insured under the NFIP.

**KENTUCKY REVISED STATUTE  
151.250—PLANS FOR DAMS, LEVEES, ETC. TO BE  
APPROVED AND PERMIT ISSUED BY  
CABINET—(ENVIRONMENTAL AND PUBLIC  
PROTECTION CABINET)**

(1) Notwithstanding any other provision of law, no person and no city, county, or other political

subdivision of the state, including levee districts, drainage districts, flood control districts or systems, or similar bodies, shall commence the construction, reconstruction, relocation or improvement of any dam, embankment, levee, dike, bridge, fill, or other obstruction (except those constructed by the Department of Highways) across or along any stream, or in the floodway of any stream, unless the plans and specifications for such work have been submitted by the person or political subdivision responsible for the construction, reconstruction, or improvement, and such plans and specifications have been approved in writing by the cabinet and a permit issued. However, the cabinet by regulation may exempt those dams, embankments, or other obstructions which are not of such size or type as to require approval by the cabinet in the interest of safety or retention of water supply.

(2) No person, city, county, or other political subdivision of the state shall commence the filling of any area with earth, debris, or any other material, or raise the level of any area in any manner, or place a building, barrier, or obstruction of any sort on any area located adjacent to a river or stream or in the floodway of the stream so that such filling, raising, or obstruction will in any way affect the flow of water in the channel or in the floodway of the stream unless plans and specifications for such work have been submitted to and approved by the cabinet and a permit issued as required in subsection (1) of this definition.

(3) Nothing in this section is intended to give the cabinet any jurisdiction or control over the construction, reconstruction, improvement, enlargement, maintenance, or operation of any drainage district, ditch, or system established for agricultural purposes, or to require approval of the same except where such obstruction of the stream or floodway is determined by the cabinet to be a detriment or hindrance to the beneficial use of water resources in the area, and the person or political subdivision in control thereof so notified. The Kentucky Bureau of Surface Mining through KRS Chapter 350 shall have exclusive jurisdiction over KRS Chapter 151 concerning the regulation of dams, levees, embankments, dikes, bridges, fills, or other obstructions across or along any stream or in the floodway of any stream which structures are permitted under KRS Chapter 350 for surface coal mining operations.

**KENTUCKY REVISED STATUTE  
151.320—OFFICERS REQUIRED TO ENFORCE LAW.**

(1) The mayor or chief executive officer of each city and the county judge/executive of each county shall have the concurrent duty of enforcing with



the cabinet, within their respective cities and counties, the provisions of KRS 151.250, 151.280 and 151.310 and rules and regulations issued thereunder.

(2) When a violation of KRS 151.250, 151.280 or 151.310 within his jurisdiction is brought to the attention of a mayor or chief executive officer of a city or a county judge/executive, he shall immediately notify the cabinet of the location and details of such violation.

**LETTER OF MAP CHANGE or LOMC.** An official FEMA determination, by letter, to amend or revise effective flood insurance rate maps, flood boundary and floodway maps, and flood insurance studies. LOMC's include the following categories:

(1) **LETTER OF MAP AMENDMENT or LOMA.** A revision based on technical data showing that a property was incorrectly included in a designated SFHA. A **LOMA** amends the current effective FIRM and establishes that a specific property is not located in a SFHA.

(2) **LETTER OF MAP REVISION or LOMR.** A revision based on technical data that, usually due to manmade changes, shows changes to flood zones, flood elevations, floodplain and floodway delineations, and planimetric features.

(3) **LETTER OF MAP REVISION—FILL or LOMR F.** A determination that a structure or parcel has been elevated by properly placed engineered fill above the BFE and is, therefore, excluded from the SHFA.

**LEEVEE.** A man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control, or divert the flow of water so as to provide protection from temporary flooding.

#### **LEEVEE SYSTEM.**

(1) A flood protection system that consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accordance with sound engineering practices.

(2) For a levee system to be recognized, the following criteria must be met:

(a) All closure devices or mechanical systems for internal drainage, whether manual or

automatic, must be operated in accordance with an officially adopted operation manual (a copy of which must be provided to FEMA by the operator when levee or drainage system recognition is being sought or revised).

(b) All operations must be under the jurisdiction of a federal or state agency, an agency created by federal or state law, or an agency of a community participating in the NFIP.

**LIMITED STORAGE.** An area used for storage and intended to be limited to incidental items which can withstand exposure to the elements and have low flood damage potential. Such an area must be of flood resistant material, void of utilities except for essential lighting, and cannot be temperature controlled.

**LOMA, LOMC, or LOMR.** See **LETTER OF MAP AMENDMENT.**

**LOWEST ADJACENT GRADE.** The elevation of the sidewalk, patio, deck support, or basement entryway immediately next to the structure and after the completion of construction. It does not include earth that is emplaced for aesthetic or landscape reasons around a foundation wall. It does include natural ground or properly compacted fill that comprises a component of a structure's foundation system.

**LOWEST FLOOR.** The lowest floor of the lowest enclosed area including basement. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, structure access, or storage in an area other than a basement area is not considered a structure's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this chapter.

**MANUFACTURED HOME.** A structure, transportable in one or more sections, which is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected or attached to the required utilities. The term also includes park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property. The term **MANUFACTURED HOME** does not include a recreational vehicle. See **RECREATIONAL VEHICLE.**

**MANUFACTURED HOME PARK OR SUBDIVISION.** A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

**MAP.** The flood hazard boundary map (FHBM) or the flood insurance rate map (FIRM) for a community issued by the Federal Emergency Management Agency (FEMA).

**MAP PANEL NUMBER.** The four-digit number on a flood map, followed by a letter suffix, assigned by FEMA. The first four digits represent the map panel. The letter suffix represents the number of times the map panel has been revised. (The letter "A" is not used by FEMA; the letter "B" is the first revision.)

**MARKET VALUE.** The structure value, excluding the land (as agreed between a willing buyer and seller), as established by what the local real estate market will bear. Market value can be established by independent certified appraisal, replacement cost depreciated by age of structure (actual cash value), or adjusted assessed values.

**MEAN SEA LEVEL or MSL.** The average height of the sea for all stages of the tide. For the purposes of the National Flood Insurance Program, the MSL is used as a reference for establishing various elevations within the floodplain as shown on a community's FIRM. For purposes of this chapter, the term is synonymous with either National Geodetic Vertical Datum (NGVD) 1929 or North American Vertical Datum (NAVD) 1988.

**MITIGATION.** Sustained actions taken to reduce or eliminate long-term risk to people and property from hazards and their effects. The purpose of mitigation is twofold: to protect people and structures and to minimize the costs of disaster response and recovery.

**MSL.** See **MEAN SEA LEVEL.**

**MUDFLOW.** See **MUDSLIDE.**

**MUDSLIDE or MUDFLOW.** Describes a condition where there is a river, flow, or inundation of liquid mud down a hillside, usually as a result of a dual condition of loss of brush cover and the subsequent accumulation of water on the ground, preceded by a period of unusually heavy or sustained rain. A **MUDSLIDE** (that is, **MUDFLOW**) may occur as a distinct phenomenon while a landslide is in progress and will be recognized as such by the Floodplain Administrator only if the mudflow, and not the landslide, is the proximate cause of damage that occurs.

**MUDSLIDE OR MUDFLOW AREA MANAGEMENT.** The operation of and overall program of corrective and preventative measures for reducing mudslide (that is, mudflow) damage,

including but not limited to emergency preparedness plans, mudslide control works, and floodplain management regulations.

**MUDSLIDE or MUDFLOW PRONE AREA.** An area with land surfaces and slopes of unconsolidated material where the history, geology, and climate indicate a potential for mudflow.

**NATIONAL FLOOD INSURANCE PROGRAM or NFIP.** The federal program that makes flood insurance available to owners of property in participating communities nationwide through the cooperative efforts of the federal government and the private insurance industry.

**NATIONAL GEODETIC VERTICAL DATUM or NGVD.** As corrected in 1929, a vertical control used as a reference for establishing varying elevations within the floodplain. (Generally used as the vertical datum on the older FIRM's. Refer to FIRM legend panel for correct datum.)

**NEW CONSTRUCTION.** Structures for which the start of construction commenced on or after the effective date of the county's floodplain management regulations and includes any subsequent improvements to such structures.

**NEW MANUFACTURED HOME PARK OR SUBDIVISION.** A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the county's adopted floodplain management ordinances.

**NFIP.** See **NATIONAL FLOOD INSURANCE PROGRAM.**

**NON-RESIDENTIAL.** Structures that are not designed for human habitation, including but is not limited to: small business concerns, churches, schools, farm structures (including grain bins and silos), pool houses, clubhouses, recreational structures, mercantile structures, agricultural and industrial structures, warehouses, and hotels or motels with normal room rentals for less than six months duration.

**NORTH AMERICAN VERTICAL DATUM or NAVD.** As corrected in 1988, a vertical control used as a reference for establishing varying elevations within the floodplain. (Generally used on the newer FIRM's and digitally referenced FIRM's (DFIRM's). (Refer to FIRM or DFIRM legend panel for correct datum.)

**OBSTRUCTION.** Includes but is not limited to any dam, wall, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, structure, wire, fence, rock, gravel, refuse, fill, structure, vegetation, or other material in, along, across, or projecting into any watercourse which may alter, impede, retard, or change the direction and/or velocity of the flow of water, due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

**ONE-HUNDRED YEAR FLOOD or 100-YEAR FLOOD.** (See **BASE FLOOD**.) The flood that has a 1% or greater chance of being equaled or exceeded in any given year. Any flood zone that begins with the letter A is subject to the 100-year flood. Over the life of a 30-year loan, there is a 26% chance of experiencing such a flood within the SFHA.

**PARTICIPATING COMMUNITY.** A community that voluntarily elects to participate in the NFIP by adopting and enforcing floodplain management regulations that are consistent with the standards of the NFIP.

**POST-FIRM CONSTRUCTION.** Construction or substantial improvement that started on or after the effective date of the initial FIRM of the community or after December 31, 1974, whichever is later.

**PRE-FIRM CONSTRUCTION.** Construction or substantial improvement, which started on or before December 31, 1974, or before the effective date of the initial FIRM of the community, whichever is later.

**PROBATION.** A means of formally notifying participating NFIP communities of violations and deficiencies in the administration and enforcement of the local floodplain management regulations. During periods of probation, each insurance policy is subject to a \$50 surcharge.

**PROGRAM DEFICIENCY.** A defect in a community's floodplain management regulations or administrative procedures that impairs effective implementation of those floodplain management standards or of the standards of 44 CFR 60.3, 60.4, 60.5, and/or 60.6.

**PUBLIC SAFETY AND NUISANCE.** Anything which is injurious to safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

**RECREATIONAL VEHICLE.** A vehicle that is:

- (1) Built on a single chassis;
- (2) 400 square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable to a light duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**REGULAR PROGRAM.** The phase of a community's participation in the NFIP where more comprehensive floodplain management requirements are imposed and higher amounts of insurance are available based upon risk zones and elevations determined in a FIS.

**REGULATORY FLOODWAY.** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. See **BASE FLOOD**.

**REMEDY A VIOLATION.** The process by which a community brings a structure or other development into compliance with state or local floodplain management regulations, or, if this is not possible, to reduce the impact of non-compliance. Reduced impact may include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of ordinances or otherwise deterring future similar violations, or reducing state or federal financing exposure with regard to the structure or other development.

**REPAIR.** The reconstruction or renewal of any part of an existing structure.

**REPETITIVE LOSS.** Flood-related damages sustained by a structure on two or more separate occasions during a 10-year period where the value of damages equals or exceeds an average of 50% of the current value of the structure, beginning on the date when the damage first occurred, or four or more flood losses of \$1,000 or more over the life of the structure, or three or more flood losses over the life of the structure that are equal to or greater than the current value of the structure.

**RIVERINE.** Relating to, formed by, or resembling a river (including tributaries), stream, brook, and the like.

**SECTION 1316.** That section of the National Flood Insurance Act of 1968, as amended, which states that no new or renewal flood insurance coverage shall be provided for any property that the Administrator finds has been declared by a duly constituted state or local zoning authority or other authorized public body to be in violation of state or local laws, regulations, or ordinances that are intended to discourage or otherwise restrict land development or occupancy in flood-prone areas.

**SFHA.** See **SPECIAL FLOOD HAZARD AREA**.

**SHEET FLOW AREA.** See **AREA OF SHALLOW FLOODING**.

**SPECIAL FLOOD HAZARD AREA** or **SFHA.** That portion of the floodplain subject to inundation by the base flood and/or flood-related erosion hazards as shown on a FHBM or FIRM as Zone A, AE, A1—A30, or AR.

**START OF CONSTRUCTION.** (See also **SUBSTANTIAL IMPROVEMENT** and other proposed **NEW DEVELOPMENT**). The date a building permit is issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement is within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure (including manufactured home) on a site, such as the pouring of slabs or footings, the installation of piles, construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; or the installation on the property of accessory structures, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual **START OF CONSTRUCTION** means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the structure.

**STRUCTURE.** A walled and roofed building that is principally above ground, including manufactured homes, gas or liquid storage tanks, or other man-made facilities or infrastructures. See **BUILDING**.

**SUBDIVISION.** Any division, for the purposes of sale, lease, or development, either on the installment plan or upon any and all other plans, terms, and

conditions of any tract or parcel of land into two or more lots or parcels.

**SUBROGATION.** An action brought by FEMA to recover insurance money paid out where all or part of the damage can be attributed to acts or omissions by a community or other third party.

### **SUBSTANTIAL DAMAGE.**

(1) Any repair to a building for which the cost of repairs equals or exceeds 50% of the market value of the building prior to the damage occurring. This term includes structures that are categorized as repetitive loss.

(2) For the purposes of this definition, "repair" is considered to occur when the first repair or reconstruction of any wall, ceiling, floor, or other structural part of the building commences.

(3) The term does not apply to:

(a) Any project for improvement of a building required to comply with existing health, sanitary, or safety code specifications which have been identified by the code enforcement official and which are solely necessary to assure safe living conditions, or

(b) Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

### **SUBSTANTIAL IMPROVEMENT.**

(1) Any combination of reconstruction, alteration, or improvement to a building, taking place during a five-year period, in which the cumulative percentage of improvement equals or exceeds 50% of the current market value of the building. For the purposes of this definition, an improvement occurs when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building.

(2) The term does not apply to:

(a) Any project for improvement of a building required to comply with existing health, sanitary, or safety code specifications which have been identified by the code enforcement official and which are solely necessary to assure safe living conditions; or

(b) Any alteration of historic structure, provided that the alteration will not preclude the

structure's continued designation as a historic structure; or

(c) Any building that has been damaged from any source or is categorized as repetitive loss.

**SUBSTANTIALLY IMPROVED EXISTING MANUFACTURED HOME PARKS OR SUBDIVISIONS.** Repair, reconstruction, rehabilitation, or improvement of the streets, utilities, and pads equaling or exceeding 50% of the value of the streets, utilities, and pads before the repair, reconstruction, or improvement commenced.

**SUSPENSION.** Removal of a participating community from the NFIP for failure to enact and/or enforce floodplain management regulations required for participation in the NFIP. New or renewal flood insurance policies are no longer available in suspended communities.

**UTILITIES.** Includes electrical, heating, ventilation, plumbing, and air conditioning equipment.

**VARIANCE.** Relief from some or all of the requirements of this chapter.

**VIOLATION.** Failure of a structure or other development to fully comply with this chapter. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this chapter is presumed to be in **VIOLATION** until such time as that documentation is provided.

**WATER SURFACE ELEVATION.** The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

**WATERCOURSE.** A lake, river, creek, stream, wash, channel, or other topographic feature on or over which water flows at least periodically.

**WATERSHED.** All the area within a geographic boundary from which water, sediments, dissolved materials, and other transportable materials drain or are carried by water to a common outlet, such as a point on a larger stream, lake, or underlying aquifer.

**X ZONE.** The area where the flood hazard is less than that in the SFHA. Shaded **X ZONES** shown on

recent FIRMs (B Zones on older FIRMs) designate areas subject to inundation by the flood with a 0.2% probability of being equaled or exceeded (the 500-year flood) in any year. Unshaded **X ZONES** (C zones on older FIRMS) designate areas where the annual exceedance probability of flooding is less than 0.2%.

**ZONE.** A geographical area shown on a flood hazard boundary map or a flood insurance rate map that reflects the severity or type of flooding in the area.

(Ord. O-23-04, passed 11-17-04)

#### **§ 151.05 LANDS TO WHICH THIS CHAPTER APPLIES.**

This chapter shall apply to all special flood hazard areas (SFHA) and, as determined by the Floodplain Administrator or other delegated, designated, or qualified community official as determined by the Fiscal Court from available technical studies, historical information, and other available and reliable sources, areas within the jurisdiction of the Fiscal Court which may be subject to periodic inundation by floodwaters that can adversely affect the public health, safety, and general welfare of the citizens of the county.  
(Ord. O-23-04, passed 11-17-04)

#### **§ 151.06 BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREAS.**

The flood insurance study (FIS), and/or accompanying flood insurance rate maps (FIRMs) and/or flood hazard boundary maps (FHBMs) prepared by the Federal Emergency Management Agency (FEMA) and the Federal Insurance Administration (FIA) for the county, September 30, 2004, wherein special flood hazard areas (SFHA) are identified, adopted by reference and declared to be a part of this chapter. This FIS and attendant mapping is the minimum area of applicability of this chapter and may be supplemented by studies for other areas which allow implementation of this chapter and which are recommended to the Fiscal Court by the Floodplain Administrator and are enacted by the Fiscal Court pursuant to statutes governing land use management regulations. The flood insurance study (FIS) and/or flood insurance rate map (FIRM), and/or flood hazard boundary maps (FHBMs) are permanent records of the county and are on file and available for review by the public during regular business hours at Planning and Zoning, at 24 West Fourth Street, Newport, Kentucky, 41071.  
(Ord. O-23-04, passed 11-17-04)

### **§ 151.07 ESTABLISHMENT OF DEVELOPMENT PERMIT.**

(A) A development permit shall be required in conformance with the provision of this chapter prior to the commencement of any development activities in the special flood hazard areas (SFHA). See § 151.31 for instructions and explanation.

(B) Application for a development permit shall be made on forms furnished by the Floodplain Administrator.

(Ord. O-23-04, passed 11-17-04) Penalty, see § 151.99

### **§ 151.08 COMPLIANCE.**

No structure or land shall hereafter be constructed, located, extended, converted or structurally altered without full compliance with the terms of this chapter and other applicable state regulations. Violation of the requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Nothing herein shall prevent the Fiscal Court from taking such lawful action as is necessary to prevent or remedy any violation.

(Ord. O-23-04, passed 11-17-04) Penalty, see § 151.99

### **§ 151.09 ABROGATION AND GREATER RESTRICTIONS; INTERPRETATION.**

(A) This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(B) In the interpretation and application of this chapter all provisions shall be:

(1) Considered minimum requirements;

(2) Liberally construed in favor of the governing body; and,

(3) Deemed neither to limit nor repeal any other powers granted under state statutes.

(Ord. O-23-04, passed 11-17-04)

### **§ 151.10 WARNING AND DISCLAIMER OF LIABILITY.**

The degree of flood protection required by this chapter is considered reasonable for regulatory

purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damage. This chapter shall not create liability on the part of the Fiscal Court, any officer or employee, the Commonwealth, the Federal Insurance Administration, or the Federal Emergency Management Agency, thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.

(Ord. O-23-04, passed 11-17-04)

## **ADMINISTRATION**

### **§ 151.30 DESIGNATION OF LOCAL ADMINISTRATOR.**

The Fiscal Court hereby appoints the Director of Planning and Zoning to administer, implement, and enforce the provisions of this chapter by granting or denying development permits in accordance with its provisions, who is herein referred to as the Floodplain Administrator.

(Ord. O-23-04, passed 11-17-04)

### **§ 151.31 ESTABLISHMENT OF DEVELOPMENT PERMIT.**

(A) A development permit shall be obtained before any construction or other development begins within any special flood hazard area established in § 151.006. Application for a development permit shall be made on forms furnished by the Floodplain Administrator prior to any development activities and may include but not be limited to the following: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Endorsement of local administrator is required before a state floodplain construction permit can be processed.

(B) Specifically, the following information is required:

(1) *Application stage.*

(a) Proposed elevation in relation to mean sea level (MSL) of the proposed lowest floor (including basement) of all structures in Zone A and elevation of highest adjacent grade; or

(b) Proposed elevation in relation to mean sea level to which any non-residential structure will be flood-proofed;

(c) All appropriate certifications from a registered professional engineer or architect that the non-residential flood-proofed structure will meet the flood-proofing criteria in § 151.46(B) and § 151.48(B).

(d) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

(2) *Construction stage.*

(a) Upon placement of the lowest floor, and before construction continues, or flood proofing by whatever construction means, it shall be the duty of the permit holder to submit to the Floodplain Administrator and to the state a certification of the elevation of the lowest floor or flood-proofed elevation, as built, in relation to mean sea level. In AE, A1—30, and A Zones where the community has adopted a regulatory base flood elevation, said certification shall be prepared by or under the direct supervision of a registered land surveyor or professional engineer and certified by same.

(b) When flood proofing is utilized for a particular structure, said certification shall be prepared by or under the direct supervision of a certified professional engineer or architect. Any continued work undertaken prior to the submission of the certification shall be at the permit holder's risk. The Floodplain Administrator shall review the lowest floor and flood proofing elevation survey data submitted. Deficiencies detected by such review shall be corrected by the permit holder immediately and prior to further progressive work being permitted to proceed. Failure to submit the survey or failure to make said corrections required hereby shall be cause to issue a stop-work order for the project.

(Ord. O-23-04, passed 11-17-04)

## **§ 151.32 DUTIES AND RESPONSIBILITIES OF THE LOCAL ADMINISTRATOR.**

(A) The Floodplain Administrator and/or staff is hereby appointed, authorized, and directed to administer, implement, and enforce the provisions of this chapter. The Floodplain Administrator is further authorized to render interpretations of this chapter which are consistent with its spirit and purpose by granting or denying development permits in accordance with its provisions.

(B) The duties and responsibilities of the Floodplain Administrator shall include but not be limited to the following:

(1) *Permit review.* Review all development permits to ensure that:

(a) Permit requirements of this chapter have been satisfied;

(b) All other required state and federal permits have been obtained; advise permittee that additional federal or state permits may be required, and if specific federal or state permit requirements are known, require that copies of such permits be provided and maintained on file with the development permit;

(c) Flood damages will be reduced in the best possible manner;

(d) The proposed development does not adversely affect the carrying capacity of affected watercourses. For purposes of this chapter, "adversely affects" means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will increase the water surface elevation of the base flood more than one foot at any point.

(2) *Review and use of any other base flood data.* When base flood elevation data has not been provided in accordance with § 151.06, the Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal or state agency, or other source, in order to administer §§ 151.45 through 151.50. Any such information shall be submitted to the Fiscal Court for adoption.

(3) *Notification of other agencies.*

(a) Notify adjacent communities, the Kentucky Division of Water, and any other federal and/or state agencies with statutory or regulatory authority prior to any alteration or relocation of the watercourse, and

(b) Submit evidence of such notification to the Federal Insurance Administration and Federal Emergency Management Agency (FEMA); and

(c) Assure that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained.

(4) *Documentation of floodplain development.* Obtain and maintain for public inspection and make available as needed the following:

(a) Certification required by § 151.46(A) (lowest floor elevations) as shown on a completed and certified elevation certificate. Verify and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, in accordance with § 151.31(B)(2);

(b) Certification required by § 151.46(B) (elevation or floodproofing of nonresidential structures) as shown on a completed and certified floodproofing certificate. Verify and record the actual elevation (in relation to mean sea level) to which the new or substantially improved structures have been flood-proofed, in accordance with § 151.31(B)(2);

(c) Certification required by § 151.46(C) (elevated structures);

(d) Certification of elevation required by § 151.49(A);

(e) Certification required by § 151.46(E) (floodway encroachments);

(f) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished;

(g) Review certified plans and specifications for compliance;

(h) Remedial action. Take action to remedy violations of this chapter as specified in § 151.99.

(5) *Map determinations.* Make interpretations where needed, as to the exact location of the boundaries of the special flood hazard areas—for example, where there appears to be a conflict between a mapped boundary and actual field conditions.

(a) Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions) the Floodplain Administrator shall make the necessary interpretation. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in § 151.62(B).

(b) When base flood elevation data or floodway data have not been provided in accordance with § 151.06, then the Floodplain Administrator shall obtain, review, and reasonably utilize any base flood

elevation and floodway data available from a federal, state, or other source, in order to administer the provisions of §§ 151.45 through 151.50;

(c) When flood-proofing is utilized for a particular structure, the Floodplain Administrator shall obtain certification from a registered professional engineer or architect, in accordance with § 151.46(B), a floodproofing certificate;

(d) All records pertaining to the provisions of this chapter shall be maintained in the office of the Floodplain Administrator and shall be open for public inspection.

(6) *Right of entry.*

(a) Whenever necessary to make an inspection to enforce any of the provisions of this chapter, or whenever the Administrator has reasonable cause to believe that there exists in any structure or upon any premises any condition or ordinance violation which makes such building, structure, or premises unsafe, dangerous, or hazardous, the Administrator may enter such building, structure, or premises at all reasonable times to inspect the same or perform any duty imposed upon the Administrator by this chapter.

(b) If such structure or premises are occupied, he or she shall first present proper credentials and request entry. If such building, structure, or premises are unoccupied, he or she shall first make a reasonable effort to locate the owner or other persons having charge or control of such request entry.

(c) If entry is refused, the Administrator shall have recourse to every remedy provided by law to secure entry.

(d) When the Administrator shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, no owner or occupant or any other persons having charge, care, or control of any building, structure, or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the Administrator for the purpose of inspection and examination pursuant to this chapter.

(7) *Stop work orders.* Upon notice from the Administrator, work on any building, structure, or premises that is being done contrary to the provisions of this chapter shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to his or her agent, or to the person doing the work, and shall state the conditions under which work may be resumed.



(8) *Revocation of permits.*

(a) The Administrator may revoke a permit or approval, issued under the provisions of this chapter, in case there has been any false statement or misrepresentation as to the material fact in the application or plans on which the permit or approval was based.

(b) The Administrator may revoke a permit upon determination by the Administrator that the construction, erection, alteration, repair, moving, demolition, installation, or replacement of the structure for which the permit was issued is in violation of, or not in conformity with, the provisions of this chapter.

(9) *Liability.* Any officer, employee, or member of the Floodplain Administrator's staff, charged with the enforcement of this chapter, acting for the applicable governing authority in the discharge of his or her duties, shall not thereby render himself or herself personally liable and is hereby relieved from all personal liability, for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of duties. Any suit brought against any officer, employee, or member because of such act performed by him or her in the enforcement of any provision of this chapter shall be defended by the department of law until the final termination of the proceedings.

(10) *Expiration of floodplain construction permit.* A floodplain construction permit and all provisions contained therein, shall expire if the holder of a floodplain construction permit has not commenced construction within 180 calendar days from the date of its issuance by the Floodplain Administrator.  
(Ord. O-23-04, passed 11-17-04)

## **FLOOD HAZARD REDUCTION PROVISIONS**

### **§ 151.45 GENERAL CONSTRUCTION STANDARDS.**

In all special flood hazard areas, the following provisions are required:

(A) All new construction and substantial improvements shall be adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

(B) Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement.

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Methods of anchoring may include but are not limited to use of over-the-top or fume ties to ground anchors. This standard shall be in addition to and consistent with applicable state requirements for resisting wind forces.

(C) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;

(D) New construction and substantial improvements shall be constructed by methods and practices that minimize flood damage;

(E) Electrical, heating, ventilation, plumbing, air condition equipment, and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

(F) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(G) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;

(H) On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding;

(I) Any alteration, repair, reconstruction, or improvements to a structure which is not in compliance with the provisions of this chapter shall meet the requirements of "new construction," as contained in this chapter;

(J) Any alteration, repair, reconstruction, or improvements to a structure, which is not in compliance with the provisions of this chapter shall be undertaken only if said non-conformity is not furthered, extended, or replaced.  
(Ord. O-23-04, passed 11-17-04) Penalty, see § 151.99

### **§ 151.46 SPECIFIC STANDARDS.**

In all special flood hazard areas where base flood elevation data have been provided, as set forth in § 151.06(B), the following provisions are required:

#### **(A) Residential construction.**

(1) New construction or substantial improvement of any residential structure (or manufactured home) shall have the lowest floor, including basement, mechanical and utility equipment,

and ductwork elevated no lower than one foot above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with standards of division (C) of this section.

(2) (a) In an AO zone, elevated above the highest adjacent grade to a height equal to or exceeding the depth number specified in feet on the FIRM, or elevated at least two feet above the highest adjacent grade if no depth number is specified.

(b) In an A zone, where no technical data has been produced by the Federal Emergency Management Agency, elevated one foot above the base flood elevation, as determined by this community. The Floodplain Administrator will determine the method by which base flood elevations are determined. Methods include but are not limited to detailed hydrologic and hydraulic analyses, use of existing data available from other sources, use of historical data, best supportable and reasonable judgment in the event no data can be produced. Title 401 KAR (Kentucky Administrative Regulations) Chapter 4, Regulation 060, Section 5(5)a, states as a part of the technical requirements for a State Floodplain Permit: "The applicant shall provide cross sections for determining floodway boundaries [and thereby Base Flood Elevations] at any proposed construction site where FEMA maps are not available. All cross sections shall be referenced to mean sea level and shall have vertical error tolerances of no more than + 0.5 foot. Cross sections elevations shall be taken at those points which represent significant breaks in slope and at points where hydraulic characteristics of the base floodplain change. Each cross section shall extend across the entire base floodplain and shall be in the number and at the locations specified by the cabinet. If necessary to ensure that significant flood damage will not occur, the cabinet may require additional cross sections or specific site elevations which extend beyond those needed for making routine regulatory floodway boundary calculations."

(c) In all other zones, elevated one foot above the base flood elevation.

(3) Upon the completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered professional engineer or surveyor and verified by the community building inspection department to be properly elevated. Such certification and verification shall be provided to the Floodplain Administrator.

(B) *Non-residential construction.*

(1) New construction or substantial improvement of any commercial, industrial, or non-residential structure (including manufactured homes used for non-residential purposes) shall be elevated to conform with division (A) of this section or together with attendant utility and sanitary facilities:

(a) Be floodproofed below an elevation one foot above the level of the base flood elevation so that the structure is watertight with walls substantially impermeable to the passage of water;

(b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

(c) Have the lowest floor, including basement, mechanical and utility equipment, and ductwork, elevated no lower than one foot above the level of the base flood elevation; or

(2) A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in § 151.31(B)(1)(c).

(3) Manufactured homes shall meet the standards in division (D) of this section.

(4) All new construction and substantial improvement with fully enclosed areas below the lowest floor (excluding basements) that are usable solely for parking of vehicles, building access, or storage and which are subject to flooding shall be constructed of flood resistant materials below an elevation one foot above the base flood elevation and shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Opening sizes (*FEMA Technical Bulletin 1-93*) for meeting this requirement must meet or exceed the following minimum criteria:

(a) Be certified by a registered professional engineer or architect; or

(b) Have a minimum of two openings with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwater.

**(C) *Elevated structures.***

(1) New construction or substantial improvements of elevated structures on columns, posts, or pilings (for example) that include fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.

(2) (a) Opening sizes for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:

1. Provide a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;

2. The bottom of all openings shall be no higher than one foot above foundation interior grade (which must be equal to in elevation or higher than the exterior foundation grade); and

3. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic flow of floodwaters in both directions.

(b) Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator); and,

(c) The interior portion of such enclosed areas shall not be partitioned or finished into separate rooms.

**(D) *Standards for manufactured homes and recreational vehicles.***

(1) (a) All new or substantially improved manufactured homes placed on sites located within A, A1—30, and AE on the community's flood insurance rate map (FIRM) must meet all the requirements for new construction, including elevation and anchoring.

(b) Locations include:

1. On individual lots or parcels;

2. In expansions to existing manufactured home parks or subdivisions;

3. In new manufactured home parks or subdivisions;

4. In substantially improved manufactured home parks or subdivisions;

5. Outside of a manufactured home park or subdivision; or

6. In an existing manufactured home park or subdivision on a site upon which a manufactured home has incurred substantial damage as the result of a flood.

(c) All manufactured homes must be:

1. Elevated on a permanent foundation; and

2. Have its lowest floor elevated no lower than one foot above the level of the base flood elevation; and

3. Be securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

(2) Excepting manufactured homes that have incurred substantial damage as a result of a flood, all manufactured homes placed or substantially improved in an existing manufactured home park or subdivision must be elevated so that the manufactured home is securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement, so that either the:

(a) The lowest floor of the manufactured home is elevated no lower than one foot above the level of the base flood elevation; or

(b) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least an equivalent strength, of no less than 36 inches in height above the highest adjacent grade.

(3) (a) All recreational vehicles placed on sites located within A, A1—30, and AE on the community's flood insurance rate map (FIRM) must either:

1. Be on the site for fewer than 180 consecutive days;

2. Be fully licensed and ready for highway use; or

3. Meet the permit requirements for new construction of this chapter, including anchoring and elevation requirements for manufactured homes.

(b) A recreational vehicle is ready for highway use if it is licensed and insured in accordance with the state motor vehicle regulations, is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

(E) *Floodways.*

(1) Located within areas of special flood hazard established in § 151.06 are areas designated as floodways.

(2) Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and has erosion potential, the following provisions shall apply:

(a) Prohibit encroachments, including fill, new construction, substantial improvements, and other developments unless certification (with supporting technical data) by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in the base flood elevation levels during occurrence of base flood discharge;

(b) If division (E) of this section is satisfied, all new construction and substantial improvements and other proposed new development shall comply with all applicable flood hazard reduction provisions of §§ 151.45 through 151.50.

(F) *Standards for utilities.*

(1) All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate:

(a) Infiltration of flood waters into the systems; and

(b) Discharge from the systems into flood waters.

(2) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(G) *Structures elevated on fill.*

(1) A residential or non-residential structure may be constructed on permanent fill in accordance with the following:

(a) The lowest floor (including basement) of the structure or addition shall be no lower than one foot above the base flood elevation;

(b) The fill shall be placed in layers no greater than one foot deep before compacting and should extend at least ten feet beyond the foundation of the structure before sloping below the base flood elevation, said slope being no greater than a 2:1 ratio unless a stability analysis is provided by a registered professional engineer;

(c) The top of the fill shall be no lower than one foot above the base flood elevation. However, the ten-foot minimum may be waived if a structural engineer certifies an alternative method to protect the structure from damage due to erosion, scour, and other hydrodynamic forces;

(d) The fill shall not adversely affect the flow or surface drainage from or onto neighboring properties;

(e) All new structures built on fill must be constructed on properly designed and compacted fill (ASTM D-698 or equivalent) that extends beyond the building walls before dropping below the base flood elevation and has appropriate protection from erosion and scour.

(2) The design of the fill or the fill standard must be approved by a licensed professional engineer

(H) *Vegetative buffer strips (riparian zones).* For all activities involving construction within 25 feet of the channel, the following criteria shall be met:

(1) A natural vegetative buffer strip shall be preserved within at least 25 feet of the mean high water level of the channel.

(2) Where it is impossible to protect this buffer strip during the construction of an appropriate use, a vegetated buffer strip shall be established upon completion of construction.

(3) The use of native riparian vegetation is preferred in the buffer strip. Access through this buffer strip shall be provided for stream maintenance purposes.

(Ord. O-23-04, passed 11-17-04) Penalty, see § 151.99

**§ 151.47 STANDARDS FOR STREAMS WITHOUT ESTABLISHED BASE FLOOD ELEVATION (UNNUMBERED A ZONES) AND/OR FLOODWAYS.**

Located within the special flood hazard areas established in § 151.06 where streams exist but where no base flood data has been provided or where base flood data has been provided without floodways, the following provisions apply:

(A) No encroachments, including fill material or structures shall be located within special flood hazard areas, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community. The engineering certification should be supported by technical data that conforms to standard hydraulic engineering principles.

(B) New construction or substantial improvements of structures shall be elevated or flood proofed to elevations established in accordance with § 151.06.  
(Ord. O-23-04, passed 11-17-04) Penalty, see § 151.99

**§ 151.48 STANDARDS FOR SUBDIVISION PROPOSALS.**

(A) All preliminary subdivision proposals shall identify the flood hazard area and the elevation of the base flood and be consistent with the need to minimize flood damage;

(B) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;

(C) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards;

(D) In areas where base flood elevation and floodway data is not available (Zone A or unmapped streams), base flood elevation and floodway data for subdivision proposals and other proposed development (including manufactured home parks and subdivisions) greater than 50 lots or five acres, whichever is the lesser, shall be provided;

(E) All subdivision plans will include the elevation of proposed structure(s) and lowest

adjacent grade. If the site is filled above the base flood elevation, the lowest floor and lowest adjacent grade elevations shall be certified by a registered professional engineer or surveyor and provided to the Floodplain Administrator.

(F) All new subdivision proposals should include streets for emergency access that will be subject to no more than six inches of flood waters during the 1% annual chance flood (100-year flood).  
(Ord. O-23-04, passed 11-17-04) Penalty, see § 151.99

**§ 151.49 STANDARDS FOR ACCESSORY STRUCTURES IN ALL ZONES BEGINNING WITH THE LETTER "A."**

(A) For all accessory structures in special flood hazard areas designated "A," the following provisions shall apply.

(B) Structures:

- (1) Must be non-habitable;
- (2) Must be anchored to resist floatation forces;
- (3) Will require flood openings/vents no more than one foot above grade, total openings are to be one square inch per one square foot of floor area, at least two openings required on opposite walls;
- (4) Must be built of flood-resistant materials below a level one foot above the base flood elevation;
- (5) Must elevate utilities above the base flood elevation;
- (6) Can only be used for storage or parking;
- (7) Cannot be modified for a different use after permitting.  
(Ord. O-23-04, passed 11-17-04) Penalty, see § 151.99

**§ 151.50 CRITICAL FACILITIES.**

(A) Construction of new critical facilities shall be, to the extent possible, located outside the limits of the SFHA (100-year floodplain). Construction of new critical facilities shall not be permissible within the floodway; however, they may be permissible within the SFHA if no feasible alternative site is

available. Critical facilities constructed within the SFHA shall have the lowest floor elevated one foot or more above the level of the base flood elevation at the site. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible.

(B) Critical facilities shall be constructed on properly compacted fill and have the lowest floor (including basement) elevated at least one foot above the elevation of the 500-year flood. A critical facility should have at least one access road connected to land outside the 500-year floodplain that is capable of supporting a 12,500 pound vehicle. The top of the road must be no lower than six inches below the elevation of the 500-year floodplain.

(Ord. O-23-04, passed 11-17-04) Penalty, see § 151.99

### ***APPEALS AND VARIANCE PROCEDURES***

#### **§ 151.60 NATURE OF VARIANCES.**

(A) The variance criteria set forth in this section of the chapter are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this chapter would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants, or the property owners.

(B) It is the duty of the Fiscal Court to help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below flood level is so serious that variances from the flood elevation or from other requirements in this chapter are quite rare. The long-term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this chapter are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate.

(Ord. O-23-04, passed 11-17-04)

#### **§ 151.61 DESIGNATION OF VARIANCE AND APPEAL BOARD.**

The Fiscal Court shall establish an Appeal Board consisting of the Campbell County and Municipal Board of Adjustment.

(Ord. O-23-04, passed 11-17-04)

#### **§ 151.62 DUTIES OF VARIANCE AND APPEALS BOARD.**

(A) The Appeal Board shall hear and decide requests for variances from the requirements of this chapter and appeals of decisions or determinations made by the Floodplain Administrator in the enforcement or administration of this chapter.

(B) Any person aggrieved by the decision of the Appeal Board or any taxpayer may appeal such decision to the county circuit court, as provided in Kentucky Revised Statutes.

(Ord. O-23-04, passed 11-17-04)

#### **§ 151.63 APPEALS/VARIANCE PROCEDURES.**

In passing upon such applications, the Appeal Board shall consider all technical evaluations, all relevant factors, all standards specified in other sections of this chapter, and the:

(A) Danger that materials may be swept onto other lands to the injury of others;

(B) Danger to life and property due to flooding or erosion damage;

(C) Susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the existing individual owner and future owners of the property;

(D) Importance to the community of the services provided by the proposed facility;

(E) Necessity that the facility be located on a waterfront, in the case of functionally dependent facility;

(F) Availability of alternative locations which are not subject to flooding or erosion damage;

(G) Compatibility of the proposed use with existing and anticipated development;

(H) Relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

(I) Safety of access to the property in times of flood for ordinary and emergency vehicles;

(J) Expected height, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,

(K) Costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, water systems, streets, and bridges.  
(Ord. O-23-04, passed 11-17-04)

#### **§ 151.64 CONDITIONS FOR VARIANCES.**

(A) Upon consideration of the factors listed above and the purposes of this chapter, the Appeal Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

(B) Generally, variances may be issued for new construction, substantial improvement, and other proposed new development to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, provided that the procedures of §§ 151.62 and 151.63 have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.

(C) Variances shall not be issued within any mapped regulatory floodway if any increase in flood levels during the base flood discharge would result.

(D) Variances shall only be issued upon a determination that the variance is the “minimum necessary” to afford relief considering the flood hazard. “Minimum necessary” means to afford relief with a minimum of deviation from the requirements of this chapter. For example, in the case of variances to an elevation requirement, this means the Campbell County and Municipal Board of Adjustment need not grant permission for the applicant to build at grade, or even to whatever elevation the applicant proposes, but only to that elevation which the Campbell County and Municipal Board of Adjustment believes will both provide relief and preserve the integrity of the local ordinance.

(E) Variances shall only be issued upon a determination that the variance is the “minimum necessary” to afford relief considering the flood hazard. In the instance of an historical structure, a determination shall be made that the variance is the minimum necessary to afford relief and not destroy the historic character and design of the structure.

(F) Variances shall only be issued upon:

(1) A showing of good and sufficient cause;

(2) A determination that failure to grant the variance would result in exceptional hardship to the applicant (as defined in this chapter); and

(3) A determination that the granting of a variance will not result in increased flood height, additional threats to public safety, cause extraordinary public expense, create nuisance (as defined in § 151.04 under “public safety and nuisance”), cause fraud or victimization of the public (as defined in § 151.04) or conflict with existing local laws or ordinances.

(G) Any applicant to whom a variance is granted shall be given written notice specifying the difference between the base flood elevation and the elevation to which the structure is to be built and stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

(H) The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency (FEMA) and the Federal Insurance Administration (FIA) upon request.

(I) Variances may be issued for new construction, substantial improvement, and other proposed new development necessary for the conduct of a functionally dependent use provided that the provisions of divisions (A) through (E) of this section are satisfied and that the structure or other development is protected by methods that minimize flood damages during the base flood and does not result in additional threats to public safety and does not create a public nuisance.  
(Ord. O-23-04, passed 11-17-04)

#### **§ 151.65 VARIANCE NOTIFICATION.**

Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:

(A) The issuance of a variance to construct a structure below the base flood elevation will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage.

(B) Such construction below the base flood level increases risks to life and property. A copy of the notice shall be recorded by the Floodplain Administrator in the office of the County Clerk and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

(C) The Floodplain Administrator shall maintain a record of all variance actions, including justification for their issuance, and report such variances issued in the community's biennial report submission to the Federal Emergency Management Agency.  
(Ord. O-23-04, passed 11-17-04)

#### **§ 151.66 HISTORIC STRUCTURES.**

Variances may be issued for the repair or rehabilitation of "historic structures" (see § 151.04) upon determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.  
(Ord. O-23-04, passed 11-17-04)

#### **§ 151.67 NO IMPACT CERTIFICATION WITHIN THE FLOODWAY.**

Variances shall not be issued within any mapped or designated floodway if any increase in flood levels during the base flood discharge would result.  
(Ord. O-23-04, passed 11-17-04)

#### **§ 151.99 ENFORCEMENT, VIOLATION NOTICE, AND PENALTIES.**

(A) *Civil offense.* If, at any time, development occurs which is not in accordance with the provisions of this chapter, including obtaining or complying with the terms and conditions of a floodplain construction permit and any approved modifications, such development shall constitute a civil offense.

(B) *Notice of violation.* If, at any time, a duly authorized employee or agent of the Floodplain Administrator has reasonable cause to believe that a person has caused development to occur which is not in accordance with the provisions of this chapter,

including obtaining or complying with the terms and conditions of a floodplain construction permit and any approved modifications thereof, a duly authorized employee of the Floodplain Administrator shall issue a notice to the person responsible for the violation and/or the property owner, stating the facts of the offense or violation, the section of this chapter and/or of the permit violated, when it occurred, how the violation is to be remedied to bring the development into conformity with this chapter or with the approved permit, and within what period of time the remedy is to occur, which period of time shall be reasonable and shall be determined by the nature of the violation and whether or not it creates a nuisance or hazard. The remedy may include an order to stop work on the development. The notice shall also state that a citation may be forthcoming in the event that the requested remedies and corrective actions are not taken, which citation will request a civil monetary fine and shall state the maximum fine which could be imposed. See below.

(C) *Notice of citation; notice of violation.* If, at any time, a duly authorized employee or agent of the Floodplain Administrator has reasonable cause to believe that a person has caused development to occur which is not in accordance with the provisions of this chapter, including obtaining or complying with the terms and conditions of a floodplain construction permit and any approved modifications thereof, a duly authorized employee of the Floodplain Administrator may issue a citation to the offender stating the violation, prior notices of violation issued, how the violation is to be remedied to bring the development into conformity with this chapter or with the approved permit, and within what period of time the remedy is to occur, and what penalty or penalties are recommended. When a citation is issued, the person to whom the citation is issued shall respond to the citation within seven days of the date the citation is issued by either carrying out the remedies and corrections set forth in the citation, paying the civil fine set forth in the citation, or requesting a hearing before the governing body. If the person to whom the citation is issued does not respond to the citation within seven days, that person shall be deemed to have waived the right to a hearing and the determination that a violation occurred shall be considered final.

(D) *Penalties.* Violation of the provisions of this chapter or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with granting of a variance or special exceptions, shall constitute a misdemeanor civil offense. Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined



no less than \$250 or imprisoned for not more than 90 days, or both, and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Floodplain Administrator from taking such other lawful action as is necessary to prevent or remedy any violation.

(Ord. O-23-04, passed 11-17-04)



## CHAPTER 152: PLANNING

### Section

### **COUNTY AND MUNICIPAL PLANNING AND ZONING COMMISSION**

#### ***Comprehensive Plan***

152.01 Adoption by reference

#### ***County and Municipal Planning and Zoning Commission***

- 152.15 Establishment
- 152.16 Expansion of Commission
- 152.17 Jurisdiction
- 152.18 Powers
- 152.19 Membership; terms
- 152.20 Operation of Commission
- 152.21 Finances
- 152.22 Comprehensive Plan
- 152.23 Zoning regulations; text and map
- 152.24 County and Municipal Board of  
Adjustments
- 152.25 Administrative officials

#### **COMPREHENSIVE PLAN**

##### **§ 152.01 ADOPTION BY REFERENCE.**

(A) Campbell County hereby adopts that portion of the updated area-wide Comprehensive Plan, as updated by the Campbell County and Municipal Planning and Zoning Commission in the calendar year of 1989, as it applies to Campbell County, as the Comprehensive Plan of Campbell County.  
(Ord. O-1-89, passed 2-15-89)

(B) A true copy of the official Comprehensive Plan for the unincorporated county and the City of Melbourne, Kentucky, shall be filed in the office of the County Clerk.  
(Ord. O-20-81, passed 12-7-81; Am. Ord. O-7-82, passed 9-28-82)

##### **§ 152.15 ESTABLISHMENT.**

The joint planning unit pursuant to KRS Chapter 100 which is hereby established or continued shall be the Campbell County and Municipal Planning and Zoning Commission, which is hereinafter referred to as the Commission, and the same shall be jointly operated by the parties to this agreement in accordance with the following provision of this subchapter and in accordance with KRS Chapter 100. (Ord. O-15-88, passed 6-27-88)

##### **§ 152.16 EXPANSION OF COMMISSION.**

The County and Municipal Planning and Zoning Commission may be expanded to include additional of the various cities within the county in accordance with KRS 100.127. Upon the execution and filing by any such city or cities of a copy of this agreement, such city or cities shall be admitted to the planning unit. The date of such entry for each such additional city, if any, shall be the date upon such executed copy hereof shall have been put to record in the manner prescribed by KRS 100.127.  
(Ord. O-15-88, passed 6-27-88)

##### **§ 152.17 JURISDICTION.**

The County and Municipal Planning and Zoning Commission shall have jurisdiction coterminous with the political and territorial boundaries of the county and each of the cities; however, any land lying within the corporate limits of any city or cities in the county not signatory to this agreement shall be excluded from such area of Commission jurisdiction.  
(Ord. O-15-88, passed 6-27-88)

##### **§ 152.18 POWERS.**

The County and Municipal Planning and Zoning Commission shall have and may exercise on behalf of the county and the cities full powers and authority

granted to such joint planning commissions by KRS Chapter 100.  
(Ord. O-15-88, passed 6-27-88)

#### **§ 152.19 MEMBERSHIP; TERMS.**

(A) Pursuant to KRS 100.133(2), the Planning Commission shall consist of at least five, but not more than 20 members. If the Joint Planning Unit continues to consist of the county and four cities, the cities shall each have one member and the county shall have five members, for a total of a nine-member commission. One member from each of the cities and the three members representing unincorporated Campbell County shall continue in office for their full terms. In addition, the County Judge Executive shall appoint two additional members to represent unincorporated Campbell County. If another city joins the Joint Unit, that city shall have one representative on the Commission, and the county shall then appoint another member to represent unincorporated Campbell County so as to keep an uneven number of members on the Commission and to continue providing for equal representation. If a city decides to leave the Joint Planning Unit, then the number of members representing unincorporated Campbell County shall be reduced by one, so as to again keep an uneven number of members and equal representation. The above noted makeup of the membership of the Commission is subject to amendment in the future as additional cities become part of the Joint Planning Unit.

(B) The term of office for all newly appointed members of the Commission shall be staggered, considering the terms of the balance of the members of the Commission, so that as much as possible an equal number of members terms expire each year.

(C) All members of the Commission shall, before entering upon their duties, qualify by taking the oath of office prescribed by Section 228 of the Constitution of Kentucky before any office designated by KRS 110.151.

(D) A member of the Commission may be removed by the appropriate appointing authority for inefficiency, neglect of duty, malfeasance, or conflict of interest in the manner set forth in KRS 100.157.

(E) A vacancy on the Commission shall be filled by the appropriate appointing authority within 60 days. If the authority fails to act within that time, the vacancy shall be filled by the Commission. Vacancies occurring for reason other than the expiration of the term of office shall be filled for the remainder of that term.

(F) Each citizen member of the Commission shall be paid a fee for attendance at regular and special meetings. The rate of such compensation shall be as fixed from time to time by the Fiscal Court of the county and the legislative bodies of the cities for their respective members.  
(Ord. O-15-88, passed 6-27-88; Am. Ord. O-7-2000, passed 4-19-00)

#### **§ 152.20 OPERATION OF COMMISSION.**

(A) The County and Municipal Planning and Zoning Commission shall annually elect from among its own membership a Chairperson, a Vice Chairperson, a secretary, and such other officers as it deems necessary. All officers shall be citizen members and shall be eligible for reelection at the expiration of their terms.

(B) The Commission shall adopt bylaws for transaction of its business and shall keep minutes and records of all proceedings in accordance with KRS 110.167.

(C) A simple majority of the total membership of the Commission shall constitute a quorum. A simple majority vote of the members present where there is a legally constituted quorum shall be necessary for the transaction of official business, except that a simple majority vote of the total membership of the Commission shall be required for the adoption or amendment of the Commission's bylaws or for elements of voting in accordance with KRS 100.171 shall not be counted in determining a quorum.

(D) The Commission shall conduct regular meetings on the second Tuesday of each month and at such other times as it deems necessary. A schedule of all such regular meetings shall be

contained in the Commissions' rules and regulations. Special meetings shall be at the call of the Chairman, who shall give oral or written notice to all members at least seven days prior to the meeting; such notice shall contain the date, place, and time of the meeting and the subject or subjects which will be discussed.

(E) The Commission may appoint one or more of its members to act as a hearing examiner or examiners to preside over a public hearing and make recommendation to the Commission upon a transcript of record of the hearing.

(F) The Commission may employ a staff or contract with planners or other persons as it deems necessary to accomplish its assigned duties under KRS Chapter 100.

(Ord. O-15-88, passed 6-27-88)

#### **§ 152.21 FINANCES.**

(A) The County and Municipal Planning Zoning Commission shall establish from time to time a schedule of fees to be charged for each type of application made to it and reasonably designed to meet the actual cost of acting thereon to the end that the Commission may meet its expenses and the reimbursable expenses and compensation of its members and staff from its own revenues. Said fee schedule shall be approved as a regulation by the Fiscal Court of the county and the legislative bodies of the cities as it applies within their respective jurisdictions.

(B) The Fiscal Court of the county shall provide as necessary from its general fund a sum sufficient to meet any operating deficit of the Commission. Any proration of the said amount required by KRS Chapter 100 is hereby waived by the parties to this agreement.

(Ord. O-15-88, passed 6-27-88)

#### **§ 152.22 COMPREHENSIVE PLAN.**

The County and Municipal Planning and Zoning Commission shall prepare a comprehensive plan in accordance with KRS Chapter 100 which shall serve as a guide for public and private actions and decisions to assure the development of public and private property in the most appropriate relationships.

The elements of the plan may be expressed in words, graphics, or other appropriate forms, and shall comply with the requirements of KRS 100.183 through 100.197.

(Ord. O-15-88, passed 6-27-88)

#### **§ 152.23 ZONING REGULATIONS; TEXT AND MAP.**

The County and Municipal Planning and Zoning Commission shall prepare and propose for adoption by the Fiscal Court of the county and the legislative bodies of the cities zoning regulations, including text and map, in accordance with KRS 100.201 through 100.207.

(Ord. O-15-88, passed 6-27-88)

#### **§ 152.24 COUNTY AND MUNICIPAL BOARD OF ADJUSTMENTS.**

(A) Joint Board of Adjustments.

(1) The joint board of adjustments established by the county and the City of Melbourne under previous agreement file on record in § 152.01 is hereby amended to allow the formation of a joint Board of Adjustments consisting of the county, the City of Melbourne, and the City of Crestview. The new Campbell County and Municipal Board shall consist of seven members, all of whom may be citizen members of the Planning Commission. The said County and Municipal Board shall have jurisdiction contentious with the political boundaries of the county and the cities except that any land lying within the corporate limits of any other city in the county shall be excluded from such area of jurisdiction.

(2) Four members shall be appointed by the County Judge/Executive, two members shall be appointed by the Mayor of the City of Melbourne, and one member shall be appointed by the Mayor of Crestview, subject to the approval of the legislative body of the cities and the fiscal court of the county, respectively.

(3) In compliance with KRS 100.127, the terms of office of members of the Campbell County/Melbourne/Crestview Board shall be four years, but the members first appointed by the County Judge/Executive shall serve initial terms of one, two, three, and four years, respectively, and the initial terms of the members appointed by the Mayor of Melbourne shall be two and three years respectively. The member appointed by the Mayor of Crestview shall be four years. The pattern thus established shall

be continued for all subsequent appointment or reappointment to the Campbell County/Melbourne/Crestview Board.

(4) Each member of the County and Municipal Board shall be paid a fee for attendance at meetings. The rate of such compensation shall be as fixed from time to time by the legislative body of the cities and by the Fiscal Court of the county for their respective members.

(5) Vacancies on the County and Municipal Board shall be filled in accordance with KRS 100.217.

(6) All members of the County and Municipal Board shall, before entering upon their duties, qualify in accordance with KRS 100.217.

(7) Members of the County and Municipal Board may be removed by the appropriate appointing authority in accordance within the provisions of KRS 100.217.

(8) The County and Municipal Board shall annually elect a Chairperson, a Vice Chairperson, a secretary, and such other officers as it deems necessary. All such officers shall be eligible for reelection at the expiration of these terms.

(9) Meetings shall be at the call of the Chairperson, who shall give oral or written notice to all member at least seven days prior to the meeting, such notice to contain the date, place and time of the meeting, and the subject or subjects which will be discussed.

(10) Determination of a quorum and voting shall be in accordance with KRS 100.221.

(11) The County and Municipal Board shall adopt bylaws for the transaction of business, and shall keep minutes and records in accordance with KRS 100.221.

(12) The County and Municipal Board may employ a staff or contact with planners or other persons as it deems necessary to accomplish its assigned duties under KRS Chapter 100.

(13) The County and Municipal Board shall establish from time to time a schedule of fees to be charged and/or each type of application made to it and reasonably designed to meet the actual cost of acting thereon to the end that the said Board may meet its expenses and the reimbursable expenses and compensation of its member and staff from its own

revenues. Said fee schedule shall be approved as a regulation by the legislative body of the city and by the Fiscal Court of the county as it applies within their respective jurisdictions.

(14) The Fiscal Court of the county shall provide as necessary from its general fund a sum sufficient to meet any operating deficit of the County and Municipal Board. Any proration of the said amount otherwise required by statute is hereby waived by the party to this agreement.

**(B) Silver Grove Board of Adjustments.**

(1) The City of Silver Grove shall establish and appoint a separate board of adjustments, hereinafter referred to as the Silver Grove Board, consisting of three members, all of whom shall be citizen members, and not more than one of whom may be a citizen member of the Planning Commission, appointed by the Mayor of the city with the approval of the city legislative body. The Silver Grove Board shall have jurisdiction coterminous with the political boundaries of the City of Silver Grove.

(2) The Silver Grove Board shall be appointed and operated in accordance with the provisions of KRS 100.217 and 100.221.

(3) The Silver Grove Board shall establish from time to time a schedule of fees to be charged for each type of application made to it and reasonably designed to meet the actual cost of acting thereon to the end that the said Board may meet its expenses from its own revenues. Said schedule of fees shall be approved as a regulation by the legislative body of the City of Silver Grove, and all such fees shall be payable to the said city.

(4) The City of Silver Grove shall provide as necessary from its general fund a sum sufficient to meet any operating deficit of the Silver Grove Board.

**©) Southgate Board of Adjustments.**

(1) The City of Southgate shall establish and appoint a separate board of adjustment, hereinafter referred to as the Southgate Board, which shall consist of five members, all of whom shall be citizen members and not more than one of whom may be a citizen member of the Planning Commission, appointed by the Mayor with the approval of the city legislative body.

(2) The Southgate Board shall be established and operated in accordance with KRS 100.217 and 100.221.

(3) The Southgate Board shall establish from time to time a schedule of fees to be charged for each type of application made to it and reasonably designed to meet the actual cost of acting thereon to the end that the said Board may meet its expenses and the reimbursable expenses and compensation of its members from its own revenues. Said schedule of fees shall be approved as a regulation by the legislative body of the City of Southgate, and all such fees shall be payable to the said city.

(D) Additional Board of Adjustments. In the event that additional incorporated cities within the county are subsequently admitted to the planning unit, each such city shall establish and appoint a separate board of adjustments consisting of three, five, or seven members, all of whom shall be citizen members and not more than two of whom may be citizen members of the Planning Commission, appointed by the mayor with the approval of the city legislative body, which shall have jurisdiction coterminous with the political boundaries of such city; or, such city may combine, under separate agreement which shall be attached to and a part of this agreement by reference, with the county, another city in the planning unit, or any combination thereof to operate a joint board of adjustments. All such separate boards of adjustments or joint boards of adjustments shall be in accordance with KRS 100.217 and 100.221.

(Ord. 0-15-88, passed 6-27-88)

## § 152.25 ADMINISTRATIVE OFFICIALS.

(A) Campbell County-Crestview-Melbourne Zoning Administrator.

(1) An administrative official and such assistants and staff as may be deemed necessary shall be designated by the Fiscal Court of the county, subject to the approval of the legislative bodies of the Cities of Crestview and Melbourne, to administer the zoning regulations within the separate jurisdictions of the County and Municipal Board of Adjustments in accordance with KRS 100.271.

(2) The said administrative official shall be the administrator for the Planning Commission and for the County and Municipal Board of Adjustments.

(B) City of Silver Grove Zoning Administrator.

(1) The City of Silver Grove shall designate an administrative official and such assistants and staff as may be necessary to administer the zoning regulations within the jurisdiction of the Silver Grove Board of Adjustments.

(2) The said zoning administrator shall be employed by the City of Silver Grove, and may receive compensation for his services as shall be fixed from time to time by the city legislative body.

(C) City of Southgate Zoning Administrator.

(1) The City of Southgate shall designate an administrative official and such assistants and staff as deemed necessary to administer the zoning regulations within the jurisdiction of the Southgate Board of Adjustments in accordance with KRS 100.271.

(2) The said Zoning Administrator shall be employed by the City of Southgate, and may receive compensation for his or her services as shall be fixed from time to time by the city legislative body.

(D) Other administrative officials. Each additional city, if any, subsequently admitted to the planning unit shall designate an administrative official and such assistants and staff as may be necessary to administer the zoning regulations within the jurisdiction of that city's board of adjustments; or may combine with the county, another city or cities in the planning unit, or any combination thereof, to provide for joint administration of the zoning regulations in accordance with KRS 100.271.

(Ord. 0-15-88, passed 6-27-88)





## CHAPTER 153: SUBDIVISION REGULATIONS

### Section

#### ***Subdivision Regulations***

153.01 Adoption by reference

#### ***Land Divisions Not Otherwise Reviewed and Approved under the County Subdivision Regulations***

153.20 Review required when exemption  
alleged

153.21 Agent and review board designated

### ***SUBDIVISION REGULATIONS***

#### **§ 153.01 ADOPTION BY REFERENCE.**

The subdivision regulations as adopted by the County and Municipal Planning and Zoning Commission at its public hearing of April 12, 1983, a true copy of said subdivision regulations, and made a part hereof to this chapter, are hereby adopted by reference as and for subdivision regulations governing the subdivision of real estate in the unincorporated area of Campbell County, Kentucky pursuant to KRS Chapter 100.

(Ord. O-7-83, passed 9-6-83; Am. Ord. O-3-88, passed 2-3-88; Am. Ord. O-4-88, passed 2-3-88; Am. Ord. O-8-96, passed 10-2-96; Am. Ord. O-15-97, passed 7-2-97; Am. Ord. O-22-97, passed 10-15-97; Am. Ord. O-20-98, passed 10-21-98; Am. Ord. O-3-99, passed 3-17-99; Am. Ord. O-4-99, passed 3-17-99; Am. Ord. O-12-99, passed 7-21-99; Am. Ord. O-13-99, passed 7-21-99; Am. Ord. O-3-2000, passed 1-19-00)

### **LAND DIVISIONS NOT OTHERWISE REVIEWED AND APPROVED UNDER THE COUNTY SUBDIVISION REGULATIONS**

#### **§ 153.20 REVIEW REQUIRED WHEN EXEMPTION ALLEGED.**

(A) Prior to being assigned a property identification number and/or recorded, the Fiscal Court shall review, through its designated agent, all survey plats, deeds, or other means used to represent land division submitted for property identification numbers from the Property Valuation Administrator and/or recording by the County Clerk where such land divisions are not otherwise reviewed and approved under the county subdivision regulations. When a tract of land is being divided and the property owner alleges an exemption from subdivision review due to proposed agricultural use of the land, the property owner must give written testimony and provide a written notarized affidavit stating exactly what the primary use or uses of the land will be for and that the land will not be used for residential building development for sale or lease to the public. Additionally, the designated agent, on behalf of the Fiscal Court, shall require that a statement be placed on the plat and the like to the effect that the land is not to be used for residential building development for sale or lease to the public.

(B) The Fiscal Court shall also designate a review board to which appeals of official action or decision rendered from the aforementioned designated agent can be taken. Any person claiming to be injuriously affected or aggrieved by official action of the designated agent may appeal that action or decision to the designated review board. Such appeal shall be taken within 30 calendar days after the action or decision of the designated agent. (Ord. O-18-04, passed 8-25-04)

**§ 153.21 AGENT AND REVIEW BOARD  
DESIGNATED.**

(A) The Fiscal Court designates the Campbell County Director of Planning and Zoning to serve as the “designated agent” as outlined in § 153.20.

(B) The Fiscal Court designates the Campbell County and Municipal Planning and Zoning Commission as the “review board” as outlined in § 153.20.

(O-20-04, passed 9-22-04)

## CHAPTER 154: ZONING CODE

### Section

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- 154.080 R-1C Residential One-C Zone
- 154.081 R-1CC Residential One-CC Zone
- 154.082 R-1D Residential One-D Zone
- 154.083 R-1DD Residential One-DD Zone
- 154.084 R-1E Residential One-E Zone
- 154.085 Residential Mobile Home Park Zone
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- 154.087 R-3 Residential Three Zone
- 154.088 PUD Planned Unit Development Overlay Zone
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- 154.091 MLU Mixed Land Use Zone
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**GENERAL PROVISIONS****§ 154.001 SHORT TITLE.**

This chapter shall be effective throughout unincorporated Campbell County, Kentucky and any town or city that may request to be serviced by the County Planning and Zoning Commission and shall be known, referred to, and recited to as the Official Zoning Ordinance of Municipal Campbell County.  
(Ord. O-11-82, passed 11-3-82)

**§ 154.002 AUTHORITY.**

The County Fiscal Court is pursuant of the authority of KRS 100.111 through 100.991 which hereby ordains and enacts into law the following sections.  
(Ord. O-11-82, passed 11-3-82)

**§ 154.003 PURPOSE.**

The zoning regulations and districts as herein set forth have been prepared in accordance with and adopted Comprehensive Plan for the county to promote the public health, safety, morals, and general welfare of the county, to facilitate orderly and harmonious development and the visual or historical character of the county, and to regulate the density of population and intensity of land use in order to provide for adequate light and air. In addition, this chapter has been prepared to provide for vehicle off-street parking and loading and/or unloading space, as well as to facilitate fire and police protection, and to prevent the overcrowding of land, blight, danger, and congestion in the circulation of people and commodities, and the loss of life, health or property from fire, flood, or other dangers. The zoning regulations and districts as herein set forth are also employed to protect highways and other transportation facilities, public facilities, including schools and public grounds, the central business district, natural resources and other specific areas in the county which need special protection by the county.  
(Ord. O-11-82, passed 11-3-82)

**§ 154.004 INTERPRETATION.**

(A) The provisions of this chapter shall be held to be the minimum requirements for the promotion of the public safety, health, and general welfare. Where this chapter imposes a greater restriction upon the buildings, structures, or premises, upon heights of buildings or structures, or requires larger open spaces than are imposed or required by any other ordinances, rules, codes, permits or regulations, or by easements, covenants, deed restrictions, or agreements, the provisions of this chapter shall govern.

(B) Notwithstanding any other provisions of this chapter or any other ordinances, rules, codes, permits, or regulations of the county; if any permit or license is issued in violation of any provision of this chapter or purports to authorize the doing of any act not permitted by any provision of the chapter, said permit or license shall be void.  
(Ord. O-11-82, passed 11-3-82)

**§ 154.005 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ACCESSORY BUILDING OR USE, CUSTOMARY.**

One which:

(1) Is subordinate to and serves the principal building or principal use;

(2) Is subordinate in area, extent, or purpose, to the principal building or principal use served;

(3) Contributes to the comfort, convenience, or necessity of occupants of the principal building or principal use served; and

(4) Is located on the same lot as the principal building or principal use served, with the single exception of such accessory off-street parking facilities as are permitted to locate elsewhere than on the same lot with the building or use served.

**AGRICULTURE.** The use of land for agricultural purposes, including agriculture, dairying, farming, floriculture, horticulture, pasturage, viticulture, and animal and poultry husbandry and the necessary accessory uses for packing, treating, or storing the produce; provided, however, that the operation of any such accessory use shall be secondary to that of the normal agricultural activities.

**AIR RIGHTS.** The ownership or control of that area of space at and above a horizontal plane over the ground surface of land. This horizontal plane shall be at a height above the existing or proposed development (depending on the individual property in question) which is reasonably necessary or legally required for the full and free use of the ground surface.

**ALLEY.** Public right-of-way which normally affords a secondary means of access to abutting property.

**ANTENNAS or RELATED EQUIPMENT.**

Transmitting, receiving, or other equipment used to support cellular telecommunications service or personal communications service. This definition does not include towers.

**APARTMENT.** A portion of a building consisting of a room or suite of rooms intended, designed, or used as a permanent residence by an individual or one family.

**APARTMENT HOUSE.** See **DWELLINGS, MULTI-FAMILY.**

**AUTOMOBILE AND TRAILER SALES AREA.**

Any area used for the display, sale, or rental of new or used automobiles or trailers and where only minor incidental repair of such automobiles or trailers may take place.

**AUTOMOBILE LAUNDRY.** A building or portion thereof, containing facilities for washing more than two automobiles, using production line methods. The use of personnel for one or more phases of this operation in conjunction with or without complete automatic or mechanical devices does not alter its classification. For the purpose of this chapter coin-operated devices, of the above nature, which are operated on a self-service basis shall be construed to be the same.

**BASEMENT.** That portion of a building between floor and ceiling, which is so located that the vertical distance from the average level of the adjoining grade to the floor below is less than the vertical distance from the average level of the adjoining grade to the ceiling.

**BOARD OF ADJUSTMENTS.** Board of Adjustments of the county.

**BOARDING HOUSE.** A residential building other than a hotel, motel, or tourist cabin where lodging and meals for four or more persons are served for compensation, and by prearrangement for definite periods.

**BORROW PIT.** Any place or premises where dirt, soil, sand, gravel, or other material is removed by excavation or otherwise, below the grade of surrounding land, for any purpose other than mining operations such as gold, silver, coal, and the like, and that necessary and incidental to grading or to building construction on the premises.

**BUFFER AREA.** Area so planned and/or zoned which acts as a buffering or separation area between two or more uses or structures not compatible, due to design, function, use, or operation.

**BUILDING.** A structure enclosed within exterior walls or firewalls for the shelter, housing support, or enclosure of persons, animals, or property of any kind.

**BUILDING, ALTERATION OF.** Any change or rearrangement in the supporting members (such as bearing walls, beams, columns, or girders) of a building, or any addition to a building, or movement of a building from one location to another.

**BUILDING, COMPLETELY ENCLOSED.** A building separated on all sides from the adjacent open space, or from other buildings or other structures, by a permanent roof and by exterior walls or party walls, pierced only by windows and normal entrance or exit doors.

**BUILDING, DETACHED.** A building surrounded by open space on the same lot or tract of land.

**BUILDING, HEIGHT OF.** The vertical distance measured from average elevation of the finished grade adjoining the building at the front building line to the highest point of the roof surfaces, if a flat roof; to the deck line of a mansard roof; and to the average height level between eaves and ridge for gable, hip, and gambrel roofs.

**BUILDING, PRINCIPAL.** The building on a lot used to accommodate the primary use to which the premises are devoted.

**BUILDING AREA or LOT COVERAGE BY BUILDING.** That portion of a lot or building site that can be legally occupied by the ground floor of the principal building or use and all permitted accessory uses.

**BUILDING INSPECTOR.** The official hired by the county to administer and enforce the building codes and working for the Planning and Zoning Commission.

**BUILDING LINE.** A line defining the minimum front, side, and rear yard requirements.

**BUILDING PERMIT.** A permit issued by the county's planning and zoning office authorizing the construction or alteration of a specific building, structure, sign, or fence upon receipt of a deed, plat, and set of plans, and at the owner's request.

**BUILDING SITE.** One contiguous piece of land that meets all of the provisions of the county's ordinances, regulations, and codes for building on said site.





**CAMPING/VACATION MOBILE UNIT.** Any coach, camper trailer, tent, house car, or other vehicle or structure intended for, designed for, and use for temporary human habitation or sleeping purposes, mounted upon wheels or supports, or supported, and/or capable of being moved by its own power or transported by another vehicle. Trailers must be under 26 feet in length, per KRS 186.650.

**CANOPY (MARQUEE).** A roof-like structure, open on three sides serving the purpose of protecting pedestrians from rain, snow, sun, or hail, which structure projects from a building.

**CARPORT.** See **GARAGE, PRIVATE.**

**CELLAR.** That portion of a building between floor and ceiling which is wholly or partly below the average level of the adjoining grade and so located that the vertical distance from the average level of the adjoining grade to the floor below is equal to or greater than the vertical distance from the average level of the adjoining grade to the ceiling.

**CELLULAR ANTENNA TOWER.** A tower constructed for, or an existing facility that has been adapted for, the location of transmission or related equipment to be used in the provision of cellular telecommunications services or personal communications services.

**CELLULAR TELECOMMUNICATIONS SERVICE.** A retail telecommunications service that uses radio signals transmitted through cell sites and mobile switching stations.

**CHILD DAY CARE CENTER.** See **NURSERY SCHOOL.**

**CITIZEN MEMBER.** Any member of the Planning and Zoning Commission or Board of Adjustments who is not an elected official of the county.

**CLINIC, ANIMAL.** A building used by medical persons for the treatment of animals on an out-patient basis only, without animal runs.

**CLINIC, HUMAN CARE.** A building used by medical persons for the treatment of persons on an out-patient basis only.

**CLUB.** An association of persons for some common objective usually jointly supported and meeting periodically.

**CO-LOCATION.** Locating two or more transmission antennas or related equipment on the same cellular antenna tower.

**COMMISSION, PLANNING COMMISSION, or PLANNING AND ZONING COMMISSION.** The Campbell County Planning and Zoning Commission, Campbell County, State of Kentucky.

**COMPREHENSIVE (MASTER) PLAN.** A guide for public and private actions and decisions to assure the development of public and private property in the most appropriate relationships for future control and advisement. It shall contain, as a minimum, the following elements:

- (1) A statement of goals and objectives, principles, policies, and standards;
- (2) A land use plan element;
- (3) A transportation plan element;
- (4) A community facilities plan element;
- (5) May include any additional elements such as, without being limited to, community renewal, housing, flood control, pollution, conservation, natural resources, and others.

**CONCEALED LIGHTING.** An artificial light source intended to illuminate the face of a sign, the direct source of which is shielded from public view and surrounding properties.

**CONDITIONAL USE.** A use which is essential to or would promote the public health, safety, or welfare in one or more zones, but which would impair the integrity and character of the zone in which it is located, or in adjoining zones, unless restrictions on locations, size, extent and character of performance are imposed in addition to those imposed within this chapter. They shall be approved by the Board of Adjustments.

**CONDITIONAL USE PERMIT.** Legal authorization to undertake a conditional use, issued by the Zoning Administrator, pursuant to authorization by the Board of Adjustments, consisting of two parts:

- (1) A statement of the factual determination by the Board of Adjustments which justifies the issuance of the permit; and
- (2) A statement of the specific conditions which must be met in order for the use to be permitted.

**CONFORMING USE.** Any lawful use of a building, structure, lot, sign, or fence which complies with the provisions of this chapter.

**CURB CUT.** Any interruption, or break in the line of a street curb or road edging in order to connect a driveway to a street, or otherwise to provide vehicular access to abutting property. In the case of streets without curbs, **CURB CUTS** shall represent construction of access drives which intersect the street.

**CURB LEVEL.** The level of the established curb in front of the building measured at the center of such front. Where no curb has been established, the County Engineer shall authorize and approve the establishment of such **CURB LEVEL** or its equivalent for the purpose of this chapter.

**DECIBEL.** A unit of measurement of the intensity (loudness) of sound. Sound level meter which are employed to measure the intensity of sound are calibrated in **DECIBELS**.

**DISTRICT.** Synonymous with **ZONE**.

**DORMITORY.** A residence providing residences for individuals or groups of whom are exclusively associated with an institution for higher education.

**DWELLING.** Any building which is completely intended for, designed for, and used for residential purposes, but for the purposes of this chapter shall not include a hotel-motel, hotel, motel, nursing home, tourist cabins, college, or university dormitories, or military barracks.

**DWELLING, ATTACHED, SINGLE-FAMILY.** A dwelling unit which is attached to one or more dwelling units, each of which has independent access to the outside of the building to ground level and which has not less than two exterior walls fully exposed and not in common with the exterior walls of any other unit.

**DWELLING, DETACHED, SINGLE-FAMILY.** A dwelling standing by itself and containing only one dwelling unit, separate from other dwellings by open space, but shall not include mobile homes.

**DWELLING, GROUP HOUSE.** A building that has not less than three one-family housekeeping units erected in a row as a single building on one lot or on adjoining lots, each being separated from the

adjoining unit or units by an approved masonry party wall or walls extending from the basement or cellar floor to the roof along the dividing lot line, and each such building being completely separated from any other building by space on all sides and such space shall be at least the required minimum yard setbacks as so specified in this chapter.

**DWELLING, MULTI-FAMILY.** A residential building having three or more dwelling units, as separate housekeeping units. This type of dwelling shall be inclusive of apartment buildings and group house dwellings.

**DWELLING, TRAILER.** See **MOBILE HOME**.

**DWELLING, TWO-FAMILY.** A residential building designed, arranged, or used exclusively by two families, living independently of each other.

**DWELLING UNIT.** A building or portion thereof providing complete housekeeping facilities for one person or one family.

**EASEMENT.** A right, distinct from the ownership of the land, to cross property with facilities such as, but not limited to, sewer lines, water lines, and transmission lines, or the right, distinct from the ownership of the land, to reserve and hold an area for drainage or access purposes.

**EATING ESTABLISHMENTS and RESTAURANTS.** An establishment selling food items ordered from a menu and prepared on the premises for immediate consumption.

(1) **CARRY-OUT.** A fast service restaurant which does not have sit down eating arrangements and consumption of food on the premises is discouraged.

(2) **COMBINATION.** A restaurant which provides any combination of sit down, carry-out, and/or drive-in services.

(3) **DRIVE IN.** A restaurant where consumption of food on the premises is encouraged (in car), and where food is provided by car-hop or self-service.

(4) **SIT-DOWN RESTAURANTS.** Those restaurants which provide seating arrangements.

**ELECTRO-MECHANICAL GAMES CENTER.** A business that provides electro-mechanical pinball machines and video game specifically designed,

constructed, set up, and kept to be played for amusement only.

**ESSENTIAL SERVICES.** The erection, construction, alteration, or maintenance by public utilities or municipal or other governmental agencies of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems; including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarms boxes, traffic signals, hydrants, and other similar equipment and accessories reasonably necessary for furnishing adequate service or for the public health, safety, or general welfare.

**FAMILY.** An individual or two or more persons related by blood or marriage, or group of not more than three persons (excluding servants) who need not be related by blood or marriage, living together in a single housekeeping unit as their common home for the time, as distinguished from a group occupying a boarding house, lodging house, hotel, club, fraternity house, or sorority house.

**FENCE.** A structure made of wire, wood, metal, masonry or other material, including hedges.

**FILLING STATION.** See **SERVICE STATION.**

**FLOOD.** A general and temporary condition of partial or complete inundation of normally dry land areas from: the overflow of inland waters; the unusual and rapid accumulation of runoff of surface waters from any source; and mudslides (for example, mudflows) which are proximately caused or precipitated by accumulation of water on or under the ground.

**FLOOD - 100 YEAR FREQUENCY.** The highest level of flooding that, on the average, is likely to occur once every 100 years, not including the 1937 flood which is in the 400-year frequency.

**FLOOD PLAIN or FLOOD PRONE AREA.** Any normally dry land area that is susceptible to being inundated by water from any flooding source.

**FLOODWAY.** The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation more than one foot at any point.

**FLOODWAY ENCROACHMENT LINES.** The lines marking the limits of floodway on the official zoning map.

### **FLOOR AREA, GROSS.**

(1) The sum of the gross horizontal area of the several floors of a dwelling unit or units measured from the exterior faces of the exterior walls or from the centerline of walls or partitions separating dwelling units.

(2) For uses other than residential, the **GROSS FLOOR AREA** shall be measured from the exterior faces of the exterior walls or from the centerlines of walls or partitions separating such uses and shall include all floors, lofts, balconies, mezzanines, cellars, basements, and similar areas devoted to such uses.

(3) The **GROSS FLOOR AREA** shall include floors used for parking space which such pertains to a residential, commercial, or office used in the same structure.

**FRATERNITY or SORORITY.** A club or social activity officially associated with and recognized and supervised by a state or national institution.

**FRATERNITY/SORORITY HOUSE.** A building used by a fraternity or sorority to provide living quarters for some or all members as well as to provide study, meeting, recreational, and other facilities.

**FREQUENCY.** The number of oscillations per second in a sound wave. This is an index of the pitch of the resulting sound.

**FRONTAGE.** All the property abutting on one side of the right-of-way of a street, measured along the right-of-way line of the street between the intersecting lot lines. In no case shall the line along an alley be considered as acceptable for frontage.

**FUNERAL HOME.** An establishment engaged in undertaking services such as preparing the dead for burial, and arranging and managing funerals.

**GARAGE, PRIVATE.** A building used primarily for the storage of vehicles and clearly accessory to the principal use permitted.

**GARAGE, PUBLIC.** A building or portion thereof designed, intended, and used exclusively for the care, repair, or equipment of self-propelled motor vehicles or other vehicles. This definition shall not include private garage.

**HOME OCCUPATION.** An accessory use customarily conducted entirely within a dwelling, as

permitted herein and further meeting all the requirements of this chapter.

**HOSPITAL, ANIMAL.** A building used by medical persons for treatment of animals generally on an in-patient basis and may have outside runs.

**HOSPITAL, HUMAN CARE.** A building used by medical persons for treatment of animals generally on an in-patient basis.

**HOTEL-MOTEL.** A building or buildings to be used for the temporary abiding place for travelers and transient guests.

**HOUSE TRAILER.** See **MOBILE HOME.**

**INDUSTRIALIZED BUILDING SYSTEM or BUILDING SYSTEM.** As defined in KRS 198B.010(18) and shall apply to buildings of any size or use, all or any component parts of which are of closed construction made from precast concrete panels or precut wood sections fabricated to individual specifications in an off-site manufacturing facility and assembled in accordance with manufacturer's instructions.

**JUNK YARD.** An open area where any waste, used or second hand materials are bought, sold, exchanged, stored, baled, packed, disassembled, or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires, and bottles. A **JUNK YARD** includes an auto wrecking yard or the storage or keeping of five or more inoperative motor vehicles unless where otherwise specifically permitted but does not include areas established entirely within enclosed buildings, owner must be holder of a state license per KRS 177.905.

**KENNEL.** An area specifically used for the raising, boarding, or harboring of small domestic animals.

**LABORATORY, MEDICAL OR DENTAL.** A building or a portion of a building used for providing bacteriological, biological, medical, x-ray, pathological, and similar analytical or diagnostic services to doctors or dentists.

**LAUNDROMAT.** A business that provides washing, drying and/or ironing machines for hire to be used by customers on the premises.

**LEASABLE AREA, GROSS.** The total floor area designed for tenant occupancy and exclusive use, including basement, mezzanines, and upper floors, if any, expressed in square feet and measured from the centerline of joint partitions and from outside wall faces.

**LIVESTOCK.** Domestic animals of types customarily raised or kept on farms for profit or other productive purposes.

**LOADING AND/OR UNLOADING SPACE.** A space used for the temporary standing, loading and/or unloading of vehicles.

**LOT.** A parcel of land or any combination of several lots of record, occupied or intended to be occupied by a principal building or a building group, as permitted herein, together with their accessory buildings or uses and such access yards and open spaces required under this chapter.

**LOT, CORNER.** A lot situated at the intersection of two streets or on a curved street on which the interior angle of such intersection or curved street does not exceed 135 degrees.

**LOT, DEPTH OF.** The distance measured in the main direction of the side lot lines from the midpoint of the front lot lines to the midpoint of the rear lot lines.

**LOT, DOUBLE FRONTAGE.** A lot other than a corner lot with only one frontage on a deeded and occupied public right-of-way.

**LOT, INTERIOR.** A lot other than a corner lot that has frontage on more than one street.

**LOT AREA.** The total area of a horizontal plane bounded by the front, side, and rear lot lines, but not including any area occupied by rights-of-way, the waters of any lake or river, and shall be in one zone only.

**LOT LINE, FRONT.** The common boundary line of a lot and a street right-of-way line. In the case of a corner lot or a double frontage lot, the common boundary line and that street right-of-way line toward which the principal or usual entrance to the main building faces.

**LOT LINE, REAR.** The boundary line of a lot which is most nearly opposite the front lot line of such lot. In the case of triangular or wedge shaped lot, for measurement purposes only, a line ten feet in length within the lot parallel to and at the maximum distance from the front lot line. In the case of a corner lot, providing that all requirements for yard space are complied with, the owner may choose either side not abutting a street as the rear lot line, even though it is not opposite the front lot lines. Once the choice has been made, it cannot be changed unless all requirements for yard space can be complied with.

**LOT LINE, SIDE.** Any boundary line of a lot, other than a front lot line or rear lot line.

**LOT OF RECORD.** A designated fractional part or subdivision of a block, according to a specific recorded plat of survey, the map of which has been officially accepted and recorded in the office of the appropriate county clerk.

**LOT WIDTH.** The width of the lot as measured along the front setback line.

**MEZZANINE.** An intermediate or fractional story between the floor and ceiling of a main story, used for a purpose accessory to the principal use. A mezzanine is usually just above the ground floor and extending over only part of the main floor.

**MINIMUM BUILDING SETBACK LINE.** A line parallel to the front, side, and/or rear lot line and set back from the lot line a distance to provide the required minimum yard space, as specified in this chapter.

**MINIMUM FRONT YARD DEPTH.** The minimum distance required by this chapter to be maintained within the lot between a line parallel to the street right-of-way line and the front lot line as defined herein.

**MINIMUM REAR YARD DEPTH.** The minimum distance required by this chapter to be maintained within the lot between a line parallel to the rear lot line, as defined herein, and the rear lot line.

**MINIMUM SIDE YARD WIDTH.** The minimum distance required by this chapter to be maintained within the lot between a line parallel to the side lot line, as defined herein, and the side lot line.

**MOBILE HOME.** Any trailer, mobile home, or other mobile structure in a single unit which is intended, designed, and used for the fixed residence of a person, family, or a household, mounted upon wheels or supports, or supported and/or capable of being moved or transported by another vehicle. For the purpose of this chapter, the removal of wheels and/or the attachment of a foundation to said mobile structure shall not change its classification. Double width mobile structures, which are fabricated on individual chassis with wheels and are designed to be joined shall be considered a mobile home for purposes of this chapter.

**MOBILE HOME PARK.** Any lot, parcel, or two premises, subdivided, designed, maintained, intended

and/or used to accommodate more mobile homes, and meets the requirements as specified in this chapter. For the purpose of this chapter, any lot or premises used for the wholesale or retail sale of mobile homes shall not be included within this definition.

**MODULAR HOME.** An industrialized building system, which is designed to be used as a residence and which is not a manufactured or mobile home.

**MODULAR HOUSING.** Housing manufactured off-site, often mass-produced, and designed so that sections are interchangeable. For purposes of this chapter, this definition shall not include mobile homes.

**NKAPC.** Northern Kentucky Area Planning Commission.

**NONCONFORMING LOT.** A lot which was lawfully created but which does not conform to the minimum area or dimensional requirements specified for the zone in which it is located.

**NONCONFORMING USE OR STRUCTURE.** An activity or a building, sign, fence, structure, or a portion thereof, which lawfully existed before the adoption or amendment of this chapter, but which does not conform to all of the regulations contained in this chapter or amendments thereto which pertain to the zone in which it is located.

**NOXIOUS MATTER OR MATERIALS.** Matter or material which is capable of causing injury to living organisms by chemical reaction or is capable of causing detrimental effects upon the physical or economic well-being of individuals as determined by the appropriate health department.

**NURSERY.** Any building or lot or portion thereof, used for the cultivation or growing of plants and including all accessory buildings.

**NURSERY SCHOOL.** Any building used for the daytime care or education of preschool age children with or without compensation, and including all accessory buildings and play areas. Those establishments must be approved by the appropriate state departments.

**NURSING HOME.** A health establishment which provides nursing care under the direction of a state licensed physician to patients who, for reason of illness or physical infirmities, are unable to care for themselves properly.

**OCTAVE BAND.** A means of dividing the range of sound frequencies into octaves in order to classify sound according to pitch.

**OCTAVE BAND FILTER.** An electrical frequency analyzer designed according to standards formulated by the American Standards Association and used in conjunction with a sound level meter to take measurements in specific octave intervals.

**ODOROUS MATTER.** Any matter or material that yields an odor which is offensive in any way to a person with reasonable sensitivity.

**PARKING AREA, OFF-STREET.** An open, surfaced area other than the rights-of-way of a street, alley, or place, used for temporary parking of motor vehicles.

**PARKING BUILDING OR GARAGE.** A building or portion thereof designed, intended and used exclusively for the temporary parking of motor vehicles which may be publicly or privately owned and/or operated.

**PARTICULATE MATTER.** Any material, except uncombined water, which exists in a finely divided, suspended form as a liquid or solid at standard conditions.

**PERFORMANCE STANDARDS.** Criteria established to control building enclosure, landscaping, noise, odorous matter, exterior lighting, vibration, smoke, particulate matter, gasses, radiation, storage, fire, and explosive hazards, and humidity, heat, or glare generated by or inherent in, uses of land or buildings.

**PERSONAL COMMUNICATION SERVICE.** As defined in 47 U.S.C. § 332 ©).

**PLANNED UNIT DEVELOPMENT (PUD).** A large scale, unified land development which permits a mixture of land uses, clustering of residential units of varying types, and common recreation/open spaces through flexible regulation which encourage creative design to preserve the natural features and foliage of the site.

**PUBLIC BUILDING.** Any building open to the general use, participation or enjoyment of the public or operated for the public's benefit and owned and/or operated by a city, county, state, or federal government or by a public utility corporation or municipal district or authority.

**PUBLIC UTILITY.** An association, district, partnership, corporation, city or county that is fully authorized, by the federal government, Public Service Commission (PSC) of the state or the county, with the purpose of to own, control, operate, or manage any facility used or to be used for or in connection with a regulated activity for the purpose of providing services (electric, natural gas, sanitary or storm sewer, water) to the public. This definition shall not include the following: antenna towers (for cellular telecommunications or personal communication services), cellular communication systems, and wireless communication systems.

**RAILROAD RIGHTS-OF-WAY.** A strip of land within which the railroad tracks and auxiliary facilities for track operation are normally located, but not including freight depots or station, loading platforms, train sheds, warehouses, car or locomotive shops, or car yards.

**RECREATION.** A pastime, diversion, exercise, or other resource affording relaxation and enjoyment.

**REST HOME.** Any building, institution, residence, or home used as a place of abode for the reception and care of three or more persons, who by reasons of age, mental, or physical infirmities, are not capable of properly caring for themselves.

**SCHOOLS, BUSINESS.** An institution or place for instruction or education, specifically in courses of bookkeeping, business administration, operation of business machines, shorthand and typing, and related courses, operated for an intended profit. For the purpose of this chapter, business colleges shall be included in this definition.

**SCHOOLS, PAROCHIAL.** An institution or a place for instruction or education belonging to and maintained by a religious organization.

**SCHOOLS, PRIVATE.** An institution or a place for instruction or education belonging to and maintained by a private organization.

**SCHOOLS, PUBLIC.** An institution or place for instruction or education belonging to and maintained under public authority and open to the public for the attendance.

**SCHOOLS, TRADE.** An institution or place for instruction or education, specifically in one or more of the general trades such as: welding, carpentry, electrical, and the like.

**SCREENING AREA.** An area set aside to remain vacant of buildings and to be planted and landscaped to reduce the blighting effect of certain land uses on adjacent property.

**SERVICE FACILITIES, PUBLIC UTILITIES, SERVICE STATIONS.**

**SIGN.** Any combination of letters, characters, or

other display used to identify or direct attention to some activity or direction.

**SIGN, ADVERTISING.** A sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered:

(1) Only elsewhere than upon the premises where such sign is located or to which it is affixed; or

(2) As a minor and incidental activity upon the premises where the sign is located.

**SIGN, ANIMATED.** Any sign having a conspicuous and intermittent variation in the illumination or physical position of any part of the sign.

**SIGN, BUSINESS.** A sign which directs attention





to a business, profession, industry, to type of products sold, manufactured, or assembled, and/or to service or entertainment offered upon said premises and located upon the premises where such a sign is displayed.

**SIGN, FLAT.** Any sign which is attached directly, in rigid manner and parallel to the building wall.

**SIGN, FLASHING.** Any sign having a conspicuous and intermittent variation in the illumination of the sign.

**SIGN, GROSS AREA OF.** The entire area within a single continuous perimeter enclosing the limits of a sign. However, such perimeter shall not include any structural elements lying outside the limits of such sign and not forming an integral part of the display.

**SIGN, GROUND.** Any sign erected, constructed, or maintained directly upon the ground or upon upright or braces placed in the ground, with a maximum permitted ground clearance of three feet.

**SIGN, IDENTIFICATION.** A sign used to identify: the name of the individual, family, organization, or enterprise occupying the premises; the profession of the occupant; the name of the building on which the sign is displayed.

**SIGN, INDIVIDUAL LETTER.** Letters and/or numbers individually fashioned from metal, glass, plastic, or other materials and attached directly to the wall of a building, but not including a sign painted on a wall or other surface.

**SIGN, POLE.** Any sign affixed to a freestanding supporting pole or poles, embedded in, and extending upwards from the ground with a ground clearance exceeding three feet.

**SIGN, PROJECTING.** Any sign projecting from the face of a building and securely attached to the building by bolts, anchors, chains, guys, or to posts, poles, or angle irons attached directly to the building.

**SIGN, WINDOW.** Any type of sign or outdoor advertising device which is attached to a window of any building, but shall not extend past the limits of said window. For the purpose of §§ 154.185 through 154.192, the word **WINDOW** shall be construed to mean any glass which comprises part of the surface of the wall regardless of its movability.

**SOUND LEVEL METER.** An instrument standardized by the American Standards Association

for measurement of intensity of sound.

**STABLE, PRIVATE.** A separate accessory building with a capacity for not more than one horse or one pony for each 6,000 square feet of lot area whereon such stable is located and where such horses or ponies are owned by the owners or occupants of the premises and not kept for compensation, hire, or sale.

**STABLE, PUBLIC.** A main building with a capacity for not more than one horse or one pony for each 6,000 square feet of lot area where such stable is located and where such horses or ponies are owned by the owners, occupants of the premises or other and are kept for compensation, hire, or sale.

**STORY.** That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between such floor and the ceiling next above it. For purposes of this chapter, a basement shall be counted as a **STORY**.

**STORY, HALF.** A story under a gable, hip, or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than three feet above the floor of such story.

**STREET, ARTERIAL.** Public thoroughfares which serve the major movements of traffic within and through the community as identified in the adopted Comprehensive Plan.

**STREET, COLLECTOR.** Public thoroughfares which serve to collect and distribute traffic primarily from local to arterial streets.

**STREET, EXPRESSWAY.** A divided arterial highway for through traffic with full or partial control of access and generally with grade separation at major intersections.

**STREET, FREEWAY.** A divided multi-lane highway for through traffic with all crossroads separated in grades and with full control of access.

**STREET, FRONTAGE ROAD (SERVICE OR ACCESS ROAD).** A street adjacent to a freeway, expressway, or arterial street separated therefrom by a dividing strip and providing access to abutting properties.

**STREET, LOCAL.** Roadways which are designed to be used primarily for direct access to abutting properties and feeding into the collector street system.

**STREET, PRIVATE.** A paved private roadway which affords access to abutting property for private users of such property. For the purposes of density calculations, a **PRIVATE STREET** shall constitute the areas of its paved surface and sidewalks or the private right-of-way if designated on the recorded plat.

**STREET, PUBLIC.** A public roadway, constructed within the boundaries of an officially deeded and accepted public right-of-way, which affords principal means of access to abutting property. For purposes of density calculations, a **PUBLIC STREET** shall constitute all of the area within the public right-of-way.

**STRUCTURE.** Anything constructed or erected, the use of which requires permanent location in or on the ground or attachment to something having a permanent location in or on the ground, including such as buildings, mobile homes, signs, fences, and the like.

**SUBDIVISION.** The division of a parcel of land into two or more lots or parcels for the purpose, whether immediate or future, of sale, lease, or building development, or if a new street is involved, any division of a parcel of land; providing that a division of land for agricultural purpose into lots or parcels of five acres or more and not involved a new street shall not be deemed a **SUBDIVISION**. The term includes resubdivision and when appropriate to the context shall relate to the process of **SUBDIVISION** or to the land subdivided.

#### **SWIMMING POOL, OUTDOOR.**

(1) Any structure or device of any kind that is intended for swimming purposes, including but not limited to: any pool or tank of any material or type of construction, or any depression or excavation in any natural or constructed material, or any dike or berm of any material or type of construction; including all appurtenances to such structure or device and all appliances used in connection therewith; which structure or device is intended to cause, or would cause if completely filled, the retaining of water to a greater depth than 18 inches at any point. Any such structure or device shall be deemed to be included within the meaning of the term structure as used in this chapter.

(2) **OUTDOOR SWIMMING POOLS** shall be deemed to consist of the following classes: private, semi-public and commercial, as follows:

(a) **PRIVATE.** When consisting of an accessory structure appurtenant to a one-family or a two-family dwelling and used only as such by persons residing on the same lot and their private guests.

(b) **SEMI-PUBLIC.** When consisting of an accessory structure appurtenant to a multiple dwelling, hotel, motel, church, school, club, and the like, and used only as such by persons who reside or are housed on the same lot or who are regular members of such organizations.

(C) **PUBLIC.** A swimming pool operated by a unit of government for the general public, whether or not an admission fee is charged.

(d) **COMMERCIAL.** A swimming pool operated for profit, open to the public upon payment of a fee.

**TAVERN.** Any establishment selling alcoholic or nonalcoholic beverages by the drink for consumption.

**TENT.** Any structure or enclosure, the roof of which and/or one-half or more of the sides are constructed of silk, cotton, canvas, fabric, or a similar light material.

**USE, PERMITTED.** A use which may be lawfully established, if permitted, in a particular zone provided it conforms with all requirements of such zone.

**VARIANCE, DIMENSIONAL.** A departure from the terms of this chapter, as approved by the Board of Adjustments, pertaining to height or width of structures and size of yards and open spaces (but no population density) where such departure will not be contrary to the public interest, and where, owing to conditions peculiar to the property because of its size, shape, or topography, and not as a result of the actions of the applicant, the literal enforcement of the zoning regulations would result in unnecessary and undue hardship.

**YARD.** An open space on the same lot or building site with a main building, unoccupied and unobstructed from the ground upward, except by trees, plants, shrubberies, ornaments, dog houses, outdoor furniture, and except as otherwise permitted in § 154.045(D).

**YARD DEPTH, FRONT.** An area extending the full width of the lot or building site measured between a line parallel to the street right-of-way line intersecting the foremost point of any building, and

the front lot line, as defined in this section.

**YARD DEPTH, REAR.** An area extending across the full width of the lot and measured between a line parallel to the rear lot line, as defined in this section, which intersects the rearmost point of any building and the rear lot line.

**YARD WIDTH, SIDE.** An area extending between any building and the side lot line, as defined herein, extending from the front to the rear yard or on through lots or building sites from one front lot line to the other front lot line.

**ZONE.** An established area within the county for which the provisions of this chapter are applicable. (Synonymous with the word **DISTRICT**).

**ZONING ADMINISTRATOR.** The official hired by the county or any legislative body within the planning unit to administer and enforce the provisions of this chapter.  
(Ord. O-11-82, passed 11-3-82; Am. Ord. O-17-88, passed 7-20-88; Am. Ord. O-3-98, passed 3-4-98; Am. Ord. O-05-03, passed 4-9-03; Am. Ord. O-06-06, passed 5-17-06)

## **ESTABLISHMENT OF ZONES; ZONING MAP**

### **§ 154.020 CLASSIFICATION OF ZONES.**

For the purpose and intent of this chapter, the county and cities, where applicable, are hereby divided into the following zones:

|       |  |
|-------|--|
| R-CO  | River Recreation/Conservation Zone           |
| A-1   | Agricultural One Zone                        |
| R-RE  | Residential Rural Estate                     |
| R-1A  | Residential One-A Zone                       |
| R-1B  | Residential One-B Zone                       |
| R-1C  | Residential One-C Zone                       |
| R-1CC | Residential One-CC Zone                      |
| R-1D  | Residential One-D Zone                       |
| R-1DD | Residential One-DD Zone                      |
| R-1E  | Residential One-E Zone                       |
| RMHP  | Residential Mobile Home Park Zone            |
| R-2   | Residential Two Zone                         |
| R-3   | Residential Three Zone                       |
| PUD   | Planned Unit Development Overlay Zone        |
| RCD   | Residential Cluster Development Overlay Zone |
| INST  | Institutional Zone                           |

|     |  |
|-----|--|
| MLU | Mixed Land Use Overlay Zone                    |
| NC  | Neighborhood Commercial Zone                   |
| HC  | Highway Commercial Zone                        |
| PO  | Professional Office Zone                       |
| NSC | Neighborhood Shopping Center Zone              |
| SC  | Shopping Center Zone                           |
| RC  | Rural Commercial Zone                          |
| I-1 | Light Industrial Zone                          |
| I-2 | Heavy Industrial Zone                          |
| IM  | Industrial Mining Overlay Zone                 |
| I-4 | Industrial River Zone (Nonurban Service Areas) |
| I-5 | Industrial River Zone (Urban Service Areas)    |

(Ord. O-11-82, passed 11-3-82)

### **§ 154.021 OFFICIAL ZONING MAP ESTABLISHED.**

The zones are bounded and defined as shown on the map entitled "Official Campbell County Zoning Map" and shall so remain on file in the offices of the County Planning and Zoning Commission in the county courthouse.

#### **(A) Changes on zoning map or maps.**

(1) If, in accordance with the provisions of this chapter and Kentucky Revised Statutes, changes are made in zone boundaries or other matters portrayed on the official zoning map, such changes shall be made on the official zoning map by the Zoning Administrator promptly after the amendment to this chapter has been approved of by the County Commissioners and the Planning and Zoning Commission is officially notified by a certified copy of said amendment in ordinance form. Such change shall not become effective until said changes have been made on said map. In addition, no building, structure, sign, or fence permit shall be approved or issued until the official zoning map indicates the proper zoning for the use intended as indicated upon the application for a permit.

(2) No changes of any nature shall be made on the official zoning map or matter shown thereon which are not in conformity with the procedures set forth in this chapter. Regardless of the existence of purported copies of the official zoning map, the official zoning map, which shall be located in the county office, designated by law, shall be the final authority as to the current zoning status of land, buildings, and other structures in the county.

(B) Replacement of official zoning map. In the event that the official zoning map becomes damaged, destroyed, lost or is deemed necessary to be

replaced due to the age of the map or major corrections in location of rights-of-way or subdivisions, the county may cause to have prepared and adopt a new official zoning map which shall supersede the prior official zoning map but no such corrections shall have the effect of amending the original zoning map or any subsequent amendment thereto.

(C) Pursuant to the authority and requirements of division (B) of this section, the Official Zoning Map attached to Ord. O-20-2000 is hereby adopted and shall supersede the prior Official Zoning Map. However, the adoption of the updated information on the new Official Zoning Map shall not have the affect of amending the Official Zoning Map or any subsequent amendments thereto that have occurred through the years. This new Official Zoning Map that is being adopted is merely an updated compilation of previously adopted material and updated information as to streets, rights-of-way, subdivisions, and the like. (Ord. O-11-82, passed 11-3-82; Am. Ord. O-20-2000, passed 11-1-00)

#### **§ 154.022 RULES FOR INTERPRETATION OF ZONE BOUNDARIES.**

Rules for interpretation of zone boundaries shown on the official zoning map are as follows:

(A) Boundaries indicated as approximately following the rights-of-way of a street, alley, or other public way shall be construed to follow such rights-of-way lines and when said rights-of-way are officially vacated, the zones bordering such rights-of-way shall be extended out to the centerline of said vacated rights-of-way.

(B) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

(C) Boundaries indicated as approximately following political boundary lines shall be construed as following such boundary lines.

(D) Boundaries indicated as approximately following the rights-of-ways of railroad lines shall be construed as following such lines.

(E) Boundaries indicated as approximately following the centerlines of streets, streams, rivers, ditches, gullies, ravines, or other bodies of water shall be construed to follow such centerlines.

(F) Boundaries indicated as approximately following a topographic elevation, determined by the scale of the map shall be construed as following such ground level elevation lines.

(G) Boundaries indicated as approximately parallel to features indicated in divisions (A) through (F) of this section, shall be construed as parallel to such features. Boundaries indicated as approximate extensions of such features shall be so construed. Distances not specifically indicated on the official zoning map shall be determined by the scale of the map, if an accurate legal description cannot be determined.

(Ord. O-11-82, passed 11-3-82)

#### **§ 154.023 AREAS NOT INCLUDED WITHIN ZONES.**

(A) When an area becomes a part of the county's jurisdiction, or in any case where property within the county has not been included within a zone, either through error or omission such property shall be officially included in the R/RE Zone until otherwise classified.

(B) Within 60 calendar days after an annexed area officially becomes a part of the county's jurisdiction, or an error or omission is recognized, the county shall take action to initiate a zone change review of the area in question, as per §§ 154.220 through 154.228, to insure its appropriate zoning classification in conformity with the officially adopted Comprehensive Plan.

(Ord. O-11-82, passed 11-3-82)

### **GENERAL USES AND REQUIREMENTS**

#### **§ 154.035 APPLICATION.**

The following regulations shall apply to all districts.

(Ord. O-11-82, passed 11-3-82)

#### **§ 154.036 REDUCTION IN BUILDING SITE AREA.**

Except as herein provided, no lot, in any zone, may be reduced in area below the minimum lot area as specified herein of the zone within which said lot is

located, except where such reduction has been brought about by the expansion or acquiring of rights-of-way for a street. If, however, by some means (for example, misinterpretation of law, erroneous lot description, and the like) the lot area is reduced below the minimum required lot area as specified herein for the zone, all of the uses and structures contained on the remaining portion of the area shall be subject to compliance with all other provisions of this chapter. In the event that the uses and structures cannot comply in such circumstances, the property owner may seek relief from the Board of Adjustments as provided for in § 154.258.

(Ord. O-11-82, passed 11-3-82)

#### **§ 154.037 INTERFERENCE WITH TRAFFIC SIGNALS.**

No sign, structure, tree, planting, or vegetation or any portion thereof shall protrude over or into any street so as to create confusion around, or otherwise interfere with, traffic signals of any kind.

(Ord. O-11-82, passed 11-3-82) Penalty, see § 154.999

#### **§ 154.038 VISION CLEARANCE AT CORNERS, CURB CUTS, AND RAILROAD CROSSINGS.**

No type of structure, vehicle, tree, planting, vegetation, sign, or fence, or any type of obstacle or any portion thereof shall be placed or retained in such a manner which would create a traffic hazard or would obstruct the vision clearance at corners, curb cuts, or railroad crossings in any zone.

(Ord. O-11-82, passed 11-3-82) Penalty, see § 154.999

#### **§ 154.039 FRONTAGE ON CORNER LOTS AND DOUBLE FRONTAGE LOTS.**

On lots having frontage on more than one street, the minimum front yard depth shall be provided for at least one street frontage, with the other frontage having a minimum of one-half of the required minimum front yard depth, except that when such lots abut an arterial street, as defined herein, the minimum front yard depth shall be provided for each street frontage.

(Ord. O-11-82, passed 11-3-82; Am. Ord. O-2-2000, passed 1-19-00) Penalty, see § 154.999

#### **§ 154.040 LOCATION OF UTILITIES.**

Electrical transformer stations, gas regulator stations, sewage and water treatment plants, pumping stations, standpipes for public water supply, and other similar utility uses may be located in any zone subject to the approval of the Planning and Zoning Commission. The location of such facilities shall be in accordance with Kentucky Revised Statutes, and all other pertinent regulations, and the following requirements.

(A) Such facilities shall be essential for the immediate area or for the proper functioning of the total utility system of which the element is a part.

(B) A building or structure, except an enclosing fence, shall be set back at least 50 feet from any property line.

(C) Such facilities shall be enclosed by a protective fence as regulated by §§ 154.165 through 154.172.

(D) Open spaces on the premises shall be suitably landscaped and maintained and a screening area, according to § 154.052 may be required in and along any yard.

(E) The storage of vehicles and equipment on the premises, unless enclosed or screened, shall be prohibited.

(F) The surrounding area shall not be adversely affected by, and shall be protected from noise, odor, glare, dust, gas, smoke, and vibration by such suitable means and condition as the Commission may specify.

(Ord. O-11-82, passed 11-3-82) Penalty, see § 154.999

#### **§ 154.041 LOCATION OF RAILROAD RIGHTS-OF-WAY.**

Railroad rights-of-way, exclusive of such uses as marshalling yards, spur lines, passenger and freight terminals, maintenance shops, fueling facilities and round houses, may be located in any zone of this chapter providing said railroad rights-of-way meet the requirements of those sections of the Kentucky Revised Statutes and other pertinent state regulations.

(Ord. O-11-82, passed 11-3-82) Penalty, see § 154.999

**§ 154.042 EXCAVATION; MOVEMENT OF SOIL; TREE REMOVAL; AND EROSION AND SEDIMENTATION CONTROL.**

(A) No governmental entity or other person or entity shall strip, excavate, fill, or otherwise move soil, trees, or other vegetation except for minor changes such as: the filling of small depressions, removal of vegetation which is diseases or endangering the public safety, and the like without first insuring that all requirements of this chapter and the subdivision regulations of the county have been fulfilled and then obtain a permit from the County Planning and Zoning Commission's office.

(B) The Planning and Zoning Commission's office may issue the required permit after determining that the resulting change in grade or removal of trees and other vegetation in the affected area will be in conformance with all applicable provisions of this chapter. The provisions of this section shall not be construed to prohibit normal excavation or grading incidental to the construction or alteration of a building on the premises for which a building permit has been granted as required otherwise in this chapter.

©) Erosion and sedimentation control. Erosion and sedimentation controls for excavation, movement of soil, and time exposed, shall be planned and applied according to the following:

(1) The smallest practical area of land shall be exposed at any one time during development.

(2) When land is exposed during development, the exposure shall be kept to the shortest practical period of time.

(3) Temporary vegetation and/or mulching shall be used to protect critical areas exposed during development.

(4) Sediment basins (debris basins or silt traps) shall be installed and maintained to remove sediment from run-off waters from land undergoing development.

(5) Provisions shall be made to accommodate the increased run-off caused by changed soil and surface conditions during and after development.

(6) Permanent final vegetation and structures shall be installed as soon as practical in the development.

(7) The development shall be fitted to the topography and soils so as to create the least erosion potential.

(8) Wherever feasible, natural vegetation shall be retained and protected.

(Ord. O-11-82, passed 11-3-82) Penalty, see § 154.999

**§ 154.043 UNSIGHTLY OR UNSANITARY STORAGE.**

No rubbish, salvage materials, junk or miscellaneous refuse shall be openly stored or kept in the open and no weeds shall be allowed to go uncut within any zones when the same may be construed to be a menace to public health and safety by the appropriate health department, or have a depressing influence upon property values in the neighborhood, in the opinion of the Zoning Administrator. Salvage and junkyards shall be adequately enclosed with a solid fence or wall, as regulated by §§ 154.165 through 154.172 and an approved permanent plating screen shall be required as regulated in § 154.052. (Ord. O-11-82, passed 11-3-82)

**§ 154.044 JUNKYARDS; LOCATION.**

No person shall operate any junkyard which is situated closer than 75 feet from the centerline of any county, state, federal, or limited access highway or turnpike, including bridges and bridge approaches. A permit for such operation shall have been obtained from the Kentucky Department of Transportation, Bureau of Highways, in accordance with KRS 177.905 through 177.950.

(Ord. O-11-82, passed 11-3-82) Penalty, see § 154.999

**§ 154.045 LOTS, YARDS, AND OPEN SPACES.**

(A) Except as herein provided, no part of any yard, or other open space, or off-street parking or loading and/or unloading space about or in connection with any building, structure, or use permitted by this chapter shall be considered to be part of a required yard, or other open space, or off-street parking or loading and/or unloading space for any other building, structure, or use.

(B) Except as herein provided, every structure hereafter erected shall be located on a lot as herein defined and in no case shall there be more than one

principal building and permitted accessory structure on one lot, nor shall any building be erected on any lot which does not abut a public right-of-way.

©) Except as herein provided, accessory structures and uses shall not be permitted within any required minimum front yard or side yard (on each side of the lot) in any zone. Accessory structures and uses may be permitted to extend into the minimum rear yard areas, as defined in § 154.005, in all zones, provided that such structures are set back from the rear lot line, and required minimum side yard clearances are maintained. Location of off-street parking, loading, and/or unloading areas, fences, and signs are governed by their respective sections, as provided herein.

(D) Permitted obstructions in minimum required yards: Except as herein provided, the following shall not be considered to be obstructions when located in the required minimum yards specified:

(1) In all minimum required yards. Driveways providing they are not closer than two feet to the property line to which they run approximately parallel to; steps four feet or less above grade projecting not more than ten feet into the minimum required yards which are necessary for access to a lot from a street or alley, arbors and trellises, flag poles, bird baths; trees; plants; shrubberies; ornaments; utility poles and wires; and outdoor furniture; fences and walls, subject to the requirements





in §§ 154.165 through 154.172.

(2) In minimum front yard depths. Bay windows projecting three feet or less into the minimum required yard; overhanging eaves and gutters projecting not more than three feet into the minimum required front yard; air conditioning equipment extending not more than two feet into the minimum required front yard.

(3) In minimum rear yard depths. Bay windows, overhanging eaves, and gutters, and air conditioning equipment projecting not more than three feet into the minimum required rear yard.

(4) In minimum side yard width. Air conditioning equipment, excluding compressor for central air conditioning unit; overhanging eaves and gutters projecting not more than 18 inches into the minimum required side yard.  
(Ord. 0-11-82, passed 11-3-82) Penalty, see § 154.999

#### **§ 154.046 HOME OCCUPATIONS; SPECIAL REQUIREMENTS.**

Home occupations shall include the use of the premises for services rendered including visits to the site by appointment only where direct contact with customers is necessary at that location. The following requirements shall apply to home occupation when permitted herein:

(A) No persons other than members of the family residing in the premises shall be engaged in such operation.

(B) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants. Not more than 25% of the gross floor area of any one floor of the dwelling unit (including the basement or cellar) shall be used in the conduct of the home occupation.

(C) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation that will indicate from the exterior that the building is being utilized in part for any purpose other than that of a dwelling unit, except that a name plate as regulated by §§ 154.185 through 154.192, shall be permitted.

(D) No home occupation shall be conducted in any accessory building, nor shall there be any

exterior storage of any materials on the premises.

(E) There shall be no commodity sold upon the premises in connection with such home occupation.

(F) No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood.

(G) No equipment or process which creates noise, vibration, flare, fumes, odors, or electrical interference detectable to the normal senses off the lot, shall be used in such home occupation. In the case of electrical interference, no equipment or process which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises, shall be used.

(Ord. 0-11-82, passed 11-3-82; Am. Ord. 0-11-89, passed 8-16-89) Penalty, see § 154.999

#### **§ 154.047 NONCONFORMING SIGNS; REPAIRS AND MAINTENANCE.**

(A) Nonconforming lots of record.

(1) Any lot of record which does not meet the requirements of this chapter shall be considered a nonconforming lot of record.

(2) If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record at time of passage or amendment of this chapter, and if all or part of the lots do not meet the requirements for lot width and area as established by this chapter, the lands involved shall be considered to be an undivided parcel for the purposes of this chapter and no portion of said parcel shall be used or sold which does not meet lot width and area requirement established by this chapter, nor shall any division of the parcel be made which leaves remaining any lot with width or area below the requirements stated in this chapter. Except, however, where a subdivision (including preliminary or final plat) has been approved by the Planning and Zoning Commission under prior zoning regulations, and meets existing minimum lot area requirements, but not minimum lot width or other similar requirements, development is permitted on each individual lot as originally approved.

(3) Where a single nonconforming lot of record exists having a lot area less than required by the particular zone wherein said lot is located, development may be permitted on the lot, provided:

the lot is located on an existing and improved public street; the lot is of separate ownership for all adjacent and contiguous parcels; the adjacent and contiguous parcels exist as developed building lots or dedicated street right-of-ways precluding acquisition of additional area to achieve conformity; and development proposed on the lot is in conformance with all other requirements of this chapter. Where a dimensional variance from any minimum yard, setback, and the like is necessary to develop on said lot, an application for dimensional variance shall be submitted for review and approval by the Board of Adjustments in accordance with §§ 154.245 through 154.264.

(B) Nonconforming uses.

(1) Continuance. Except as herein provided, the lawful use of any structure or land existing at the time of the adoption of this chapter may be continued although such use does not conform to the provisions of this chapter, it shall become a legal nonconforming use. However, no nonconforming use or structure may be enlarged or extended beyond its area of use at the time it becomes a legal nonconforming use, unless and until the use is brought into conformance with all provisions of this chapter.

(2) Change from one nonconforming use to another. As regulated by § 154.261(D).

(3) Termination. In all cases, the Board of Adjustments shall hold a public hearing in accordance with the applicable requirements of § 154.258. Following that hearing, the Board may terminate the right to operate a nonconforming use based on any of the following conditions, and if the decision is to do so, the Board shall state its bases, in writing, for such determination.

(a) Changing to a conforming use.

(b) Non-operative, nonused, or abandoned for a period of six consecutive months providing that the Board of Adjustments may allow the continuation of such nonconforming use if it is determined that reasons for such nonuse were beyond the owner's/operator's control.

©) Whenever the structure, in which the nonconforming use is operated, is damaged in any manner whatsoever and the cost of repairing such damage exceeds 50% of the market value of such structure in which the nonconforming use is operated and a determination is made by the Board of Adjustments that this structure should not be

reconstructed.

(d) Whenever the structure, in which the nonconforming use is operated, becomes obsolete or substandard under any applicable ordinance of the county and the cost of placing such structure in lawful compliance with the applicable ordinance exceeds 50% of the market value of such structure as of the date of the official order under the applicable ordinance and a determination is made by the Board of Adjustments that this structure should not be reconstructed.

(e) Whenever said nonconforming use is determined to be detrimental or injurious to the public health, safety, or general welfare.

(f) Zone change. The foregoing provisions shall apply to uses which become legally nonconforming due to zone changes which take place thereafter, or were found to be nonconforming thereafter.

©) Nonconforming structures.

(1) Continuance. Except as herein provided, any lawful nonconforming structure existing at the time of adoption of this chapter may be occupied, operated, and maintained in a state of good repair, but no nonconforming structure shall be enlarged or extended.

(2) Termination. Except as otherwise provided, any nonconforming structure may be repaired or reconstructed to its original condition, including structures damaged or substandard under any applicable ordinance for which the cost of reconstructing or repairing said structure exceeds 50% of the market value of such structure. However, if a nonconforming structure is to be reconstructed on a new foundation, said structure must meet existing zoning requirements (inclusive of the right to request a dimensional variance) and, in such cases, the right to continue the nonconforming structure would be terminated.

(3) Zone change. The foregoing provisions shall apply to structures which become legally nonconforming due to zone changes which take place thereafter, or were found to be nonconforming thereafter.

(D) Repairs and maintenance.

(1) On any building devoted in whole or in part to any nonconforming use, work may be done on

ordinary repairs, or on repair or replacement of nonbearing walls, fixtures, wiring, or plumbing, provided that the cubic content of the building, as it existed at the time of passage or amendment of this chapter which rendered it nonconforming, shall not be increased.

(2) Nothing in this chapter shall be deemed to prevent the strengthening or restoring, to a safe condition, of any building, structure, or part thereof declared to be unsafe by any official charged with protecting the public safety, except for the conditions as stated in divisions (B)(3)(c) or (C)(2).

(E) Nonconforming signs.

(1) Continuance. Except as herein provided, any lawful nonconforming sign existing at the time of adoption of this chapter, may be continued provided however, that no such sign shall be changed in any manner unless it is changed in compliance with all provisions of this chapter.

(2) Termination. In all cases the Board of Adjustments shall hold a public hearing in accordance with the applicable requirements of § 154.258. Following that hearing, the Board may terminate the right to operate a nonconforming sign based on any of the following conditions and, if the decision is to do so, the Board shall state its bases, in writing, for such determination.

(a) Not meeting the requirements for sign regulations, as regulated in §§ 154.185 through 154.192.

(b) Nonuse or abandonment of said nonconforming sign for a period of six consecutive months.

(3) Zone change. The foregoing provisions shall also apply to signs which become legally nonconforming due to zone changes which take place thereafter or were found to be nonconforming thereafter.  
(Ord. 0-11-82, passed 11-3-82) Penalty, see § 154.999

**§ 154.048 EXCEPTIONS AND MODIFICATIONS.**

(A) Exceptions to height limits. The height limitations of this chapter shall not apply to such things as: church spires, various types of towers, smoke stacks, other related structures and necessary mechanical appurtenances, and the like; provided their construction is in accordance with existing or

hereafter adopted ordinances of the county and is acceptable to the Federal Aviation Agency and the Federal Communication Commission.

(B) Other exceptions. Service stations shall be so constructed that the centerlines of the pumps shall be at least 25 feet from any street right-of-way line.

©) Front yard variance.

(1) Where the average depth of existing front yards within 300 feet of the lot in question and within the same block front, is greater than the minimum front yard depth required by this chapter, the required minimum front yard depth on such lot shall be modified to be the average depth of said existing front yards.

(2) In any residential zone, no front yard shall be required to exceed the average depth of existing front yards on the same side of the street within the same block, when 51% or more of lots within that block are improved with residential buildings whichever is greater.  
(Ord. 0-11-82, passed 11-3-82) Penalty, see § 154.999

**§ 154.049 CONDITIONAL USES.**

(A) Determination. Subject to the requirements of § 154.262, the Board of Adjustments may authorize a conditional use to be located within any zone in which such conditional use is permitted, if the evidence presented by the applicant is such as to establish a preponderance of the evidence:

(1) That the proposed use at the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the neighborhood or the community;

(2) That such use will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity.

(3) That such use will comply with any regulations and conditions in this chapter for such use.

(B) Conditional use permits. In accordance with KRS 100.237, the Board of Adjustments shall have the power to hear and decide applications for conditional use permits to allow the proper integration into the community of uses which are specifically named herein which may be suitable only in specific locations

in the zone only if certain conditions are met:

(1) The Board of Adjustments may approve, modify, or deny any application for a conditional use permit. If it approves such permit, it may attach necessary conditions such as time limitations, requirements that one or more things be done before the request can be initiated, or conditions of a continuing nature. Any such conditions shall be recorded in the Board's minutes and on the conditional use permit, along with a reference to the specific section in the zoning regulation listing the conditional use under consideration. In addition, said conditional use permit shall be recorded in the office of the County Clerk and one copy of said permit attached to the deed for the property for which it is issued. The Board shall have power to revoke conditional use permits, or variance for noncompliance with the condition thereof. Furthermore, the Board shall have a right of action to compel offending structures or uses removed at the cost of the violator and may have judgment in personam for such cost.

(2) Granting of a conditional use permit does not exempt the applicant from complying with all of the requirements of this chapter, the building code, housing code, and other regulations of the county.

(3) In any case where a conditional use permit has not been exercised within the time limit set by the Board or within 12 consecutive calendar months from the date of issuance, such conditional use permit shall not revert to its original designation unless there has been a public hearing. Exercised as set forth in this section, shall mean that binding contracts for the construction of the main building or other improvement has been let; or in the absence of contracts that the main building or other improvement is under construction to a substantial degree, or that prerequisite conditions involving substantial investment shall be under contract, in development, or completed. When construction is not a part of the use, exercised shall mean that the use in operation is in compliance with the conditions as set forth in the permit.

(4) (a) The Zoning Administrator shall review all conditional use permits, except those for which all conditions have been permanently satisfied, at least once annually and shall have the power to inspect the land or structure where the conditional use is located in order to ascertain that the landowner is complying with all of the conditions which are listed on the conditional use permits.

(b) If the landowner is not complying with all of the conditions listed on the conditional use permit, the Zoning Administrator shall report the fact in writing to the Chairperson of the Board of Adjustments. The report shall state specifically the manner in which the landowner is not complying with the conditions on the conditional use permit, and a copy of the report shall be furnished to the landowner at the same time it is furnished to the Chairperson of the Board of Adjustments.

©) The Board shall hold a hearing on the report within 30 days and notice of the time and place of the hearing shall be furnished to the landowner at least one week prior to the hearing. If the Board of Adjustments finds that the facts alleged in the report of the Zoning Administrator are true and that the landowner has taken no steps to comply within the time between the date of the report and the date of the hearing, the Board of Adjustments may authorize the Zoning Administrator to revoke the conditional use permit and take the necessary legal action to cause the termination of the activity on the land which the conditional use permit authorizes.

(5) Once the Board of Adjustments has completed a conditional use permit and all the conditions required are of such type that they can be completely and permanently satisfied, the Zoning Administrator, upon request of the applicant, may, if the facts warrant, make a determination that the conditions have been satisfied, and enter the facts which indicate that the conditions have been satisfied and the conclusion in the margin of the copy of the conditional use permit which is on file with the County Clerk, as required in KRS 100.344. Thereafter said use, if it continues to meet the other requirements of this chapter, will be treated as a permitted use in a nonconforming status. (Ord. 0-11-82, passed 11-3-82; Am. Ord. 0-11-89, passed 8-16-89) Penalty, see § 154.999

#### **§ 154.050 BUILDING REGULATIONS; WATER AND SANITARY SEWER AND UTILITY SERVICES.**

(A) Building regulations. All structures shall be designed, erected, or altered in accordance with the county's housing and building codes.

(B) Water and sanitary sewer and utility services. Where no sanitary is available and where soil conditions (as determined by a properly conducted soil

percolation test) are unacceptable for a anaerobic (septic tank) sewage treatment system, the record title holder of the real estate may apply to the Campbell County Fiscal Court for a permit for an aerobic type sewage treatment system. The application shall only be granted upon the following conditions and restrictions.

(1) A construction permit must be obtained from the Commonwealth of Kentucky, Natural Resources and Environmental Protection Cabinet, Department for Environmental Protection, Division of Water as authorized by KRS Chapter 2245. All approval conditions must be met, including a written certification by a registered professional engineer that the unit has been constructed and tested in accordance with the approved plans and conditions.

(2) The aerobic sewage treatment system method provided for in this section is available only when no sanitary sewer system is in place. Within twelve (12) months agree the date a sanitary sewer system is in place, no person shall be permitted to continue to discharge any effluent, human waste, grey water, or the like, outside the sanitary sewer system and the aerobic sewage treatment system must be discontinued and abandoned.

(3) The effluent line (pipe) shall be laid at least ten (10) feet horizontally from any existing or proposed water line.

(4) The effluent from this sewage must be piped and discharged directly into a blue line stream. Discharge into a "blue line" stream is not acceptable if access is not available by gravity feed, or if there is insufficient flow in the stream to adequately handle the discharge, or if for any reason in the opinion of an expert employed by the county for the purpose of making such determination, the discharge would be unreasonably detrimental to the community or the environment.

(5) In the event no acceptable "blue line" stream exists on the property, the applicant must comply with the following procedures:

(a) A site plan must be prepared by a registered professional engineer showing the applicants property lines, location of treatment system, discharge point of effluent into the "blue line" stream, property lines of other tracts of land over which the proposed line is to be placed.

(b) The applicant must obtain a written perpetual easement from all property owners of land under which the pipe is to be placed, and being a minimum often (10) feet in width. As a minimum the perpetual easement must provide for placement of the pipe and for ingress and egress for construction and maintenance of the pipe, and for inspection of same.

©) Should a "blue line" stream not be acceptable in the opinion of an expert employed by the County for the purpose of making such determination, the applicant may request that the effluent be discharged into a natural stream or drainage ditch that flows into a "blue line" stream. Such request must also be included in the applicants request to the Commonwealth of Kentucky. The applicant must obtain a written perpetual easement from all property owners of land on or under which the natural stream or drainage ditch flows, including easements across all city, county, or state right of ways.

(d) If the discharge of effluent, human waste, grey water, or the line, flows into or upon any property of right of way owned by Campbell County, Campbell County Public Parks Inc. a written perpetual easement shall be required. To request such easement, the applicant shall submit the site plan, as required, to request such easement, the applicant shall submit the site plan, as required above, a legal description of the real estate with a description of the requested easement and any other requested documentation to the county engineer for approval. The county engineer shall review the request and other documents and then make a recommendation to the fiscal court. Nothing in this section shall require the county or any other entity to grant an easement to any person, corporation, or other entity. The county or any other property owner may, in its discretion require payment of fair market value for the grant of easement under this section.

(e) All easements granted by the county under this section shall state that the easement is temporary and may be terminated by the county twelve (12) months after a sanitary sewer is in place. All improvements, structures, or other objects located within said easement by applicant, may be altered or removed at the request of the Fiscal Court at the expense of the applicant.

(f) In the event pollution of the receiving stream, ditch or "blue line" stream results from the discharge of the treated effluent, additional treatment and/or extension of the effluent line shall be

required. The enforcement of this requirement shall be made by the Commonwealth of Kentucky, the local health department, or the Campbell County Fiscal Court.

(Ord. 0-11-82, passed 11-3-82; Ord. 0-14-97, passed 7-15-98) Penalty, see § 154.999

**§ 154.051 MOVING AND SETTING BUILDINGS.**

(A) Requirements. No building, structure, or improvement shall be moved or set from or upon land located in any area or transported upon any public street, in the county, until and unless both: a building permit to move and set, and a transport permit, have been obtained, and said building, structure, or improvement complies with the provisions of this section.

(B) Compliance. All buildings, structures, and improvements shall comply with the county's housing and building codes, and all other applicable codes and regulations.

©) Procedure; permits. The applicant shall submit to the Building Inspector, the following:

(1) An application for a building permit requesting an inspection of the building, structure, or improvement to be moved or set;

(2) A plot plan, footing and foundation plan, and construction plan for any new construction;

(3) A statement from the applicable county insuring that all past and current taxes have been paid.

(4) Upon receipt of the foregoing items, the Building Inspector shall inspect said building, structure, or improvements, and the proposed location where same will be set within the county and determine if the proposed development will comply with all applicable codes, regulations, and zoning ordinances.

(5) The move and set shall be referred to the zoning office for approval or denial of compliance with this chapter.

(6) Upon approval by the zoning office and Building Inspector, a building permit to move and set shall be issued. The County Engineer shall then be notified of same and shall issue a transport permit. The County Engineer or his agent will designate the route to be traveled. The transport permit is good only for the date specified on permits. The transport permits will not be issued if 90 consecutive calendar days or more have lapsed from the date of inspection by the Building Inspector. The transport permit

provided for in this section shall not be in lieu of any other permits which may be required by the county.

(7) No transport or building permit to move and set shall be issued until the applicant has first obtained the necessary permits from the telephone company, public utilities companies, railroad companies, and the Kentucky Department of Transportation, and the County Road Supervisor, whichever are applicable.

(D) Fees.

(1) There will be a building investigation fee as established by the county to cover the cost of investigation and inspection for determining the structural soundness of buildings, structures, or improvements to be moved, the fee is payable in advance and must accompany the application provided for herein. The inspection shall determine what will be necessary to bring buildings, structures, or improvements into compliance with all applicable codes and regulations should the building not comply. This fee is not returnable. If buildings, structures, or improvements are found to be in compliance with the county's applicable codes and regulations, a building permit to move and set will be issued and the fee will be based on the cost of new foundations and all work necessary to place the building or structure in its completed condition in the new location. This fee is in addition to the building investigation fee.

(2) No person, corporation, or company shall transport, move, or set any building, structure, or improvement in the county until and unless such person, corporation, or company shall post with the Building Inspector a good and sufficient indemnity bond in the amount of \$5,000 in favor of the county. Such bond shall be made by a surety corporation authorized to do business in the state.  
(Ord. 0-11-82, passed 11-3-82) Penalty see § 154.999

**§ 154.052 SCREENING AREAS.**

Screening areas shall be provided for the purpose of minimizing the friction between incompatible land uses and improving the aesthetic and functional quality of new development.

(A) Screening area requirements. All screening areas shall be approved by the Zoning Administrator (or Planning and Zoning Commission, where required by this chapter) according to a submitted site plan as regulated by the applicable requirements of § 154.054. Screening areas shall be designed, provided, and maintained according to the following:

(1) Where vegetative and/or topographic conditions that provide a natural screening buffer exist prior to development of properties in question, every effort shall be made to retain such conditions. In such cases additional screening may not be required, provided that provision is made for the maintenance of such condition to the satisfaction of the county.

(2) Wherever screening is required in this chapter, all trees shall be evergreen.

(3) All trees shall be a minimum of six feet in height one year after growing seasons, unless otherwise required according to the submitted site plan.

(4) All hedges shall be a minimum of three feet in height when planted unless otherwise required according to the submitted site plan.

(5) All trees, shrubs, and other planting materials shall be living plants (not artificial) and shall be suitable to the Northern Kentucky Area and the specific conditions of the site in question, such as but not limited to soil conditions, slopes, reduction of noise pollution, maintenance necessary, and the type of screening needed. The county may require review of the proposed screening plan from the U.S. Soil Conservation Service, the Campbell County Agricultural Extension Service.

(6) Screening areas are to be provided within the required minimum yard setbacks as required in each district's regulation.

(7) In the case where a zoning map change occurs resulting in adjacency to a different zoning district that was previously the case, and where development has already occurred on property in the unchanged district, required additional setbacks and screening requirements (as required in each district's

regulations) shall be provided for the property in the district where the zone change occurred.

(B) Provision and maintenance. Required screening areas shall be provided as a condition of development by the owner and/or developer. All required screening (including the planting of trees and other vegetation) shall be maintained by the property owner.

©) Inclusion of site plan and/or subdivision improvement drawings. Areas to be set aside as screening areas shall be identified on the required site plans, as regulated in § 154.054, and where applicable, on the improvement drawings as regulated by the subdivision regulations. Sufficient bond, adequate to cover the required improvements as determined by the county may be required to be posted. It shall be unlawful to occupy any premises unless the required screening has been installed in accordance with the requirements as provided herein.

(Ord. 0-11-82, passed 11-3-82) Penalty, see § 154.999

#### **§ 154.053 OUTDOOR SWIMMING POOLS.**

(A) Private swimming pools. All private swimming pools shall be regulated according to the following requirements:

(1) Except as herein provided, no swimming pool or associated equipment shall be permitted within any public utility right-of-way easement.

(2) Swimming pools which are constructed in-ground shall be required to have a fence or wall, including a self-closing or self-locking door or gate around the pool or the property on which the pool is located. Such fence or wall shall be at least four feet, but not more than seven feet in height (only classes 1, 3, 4, or 5 fences are permitted, as regulated in §§ 154.165 through 154.172); such fences or walls shall be constructed in such a manner that a small child may not reach the pool from the street or any adjacent property without climbing the fence or wall or opening the gate or door.

(3) (a) Swimming pools which are located above ground shall be required to have a fence or



wall, including a self-closing or self-locking door or gate around the pool or property upon which the pool is located. Such fence or wall shall be at least four feet, but not more than seven feet in height (only classes 1, 3, 4, and 5 are permitted as regulated by §§ 154.165 through 154.172). Such fence or wall shall be constructed in such a manner that a small child may not reach the pool from the street or any adjacent property without scaling a fence or wall or opening the gate or door. Said wall may be the wall of the above ground pool providing that said wall is at least four feet in height above the surrounding ground level.

(b) Any access to above ground pools by means of a ladder or stairway shall be provided with a self-closing or self-locking door or gate, or some other device that should prevent a small child from gaining access to the pool by means of a ladder.

(4) Glare from lights used to illuminate the swimming pool area shall be directed away from adjacent properties.

(5) All swimming pools and associated equipment shall be constructed and erected in accordance with all applicable codes, ordinances, and regulations of the county. Water used in the swimming pool which is obtained from other than a public source, shall be approved by the Northern Kentucky District Health Department.

(6) All swimming pools existing at the time of adoption of this chapter which are unprotected by a surrounding fence or wall, including gates or doors, as regulated herein, shall be required to comply with the provisions of this section within 60 days after its adoption.

(B) Public, semi-public, and commercial swimming pools. All public, semi-public, and commercial swimming pools shall be regulated according to the following requirements:

(1) Except as herein provided, no swimming pool and associated equipment shall be permitted within the limits of any public utility right-of-way easement.

(2) The swimming pool or the property on which the pool is located shall be surrounded by a fence or wall, including a self-closing or self-locking door or gate (only classes 1, 3, 4, and 5 fences are permitted, as regulated by §§ 154.165 through 154.172). Such fence or wall shall be at least five feet

in height, but not exceeding the height as permitted herein, and of such construction that a small child may not reach the pool from the street or from adjacent property without climbing the wall or fence or opening a door or gate.

(3) Glare from lights used to illuminate the swimming pool area shall be directed away from adjacent properties.

(4) All swimming pools and associated equipment of the swimming pool shall be constructed and erected in accordance with all applicable codes, ordinances, and regulations of the county. Water used in the operation of the swimming pool, which is obtained from other than a public source, shall be approved of by the Northern Kentucky District Health Department.

(5) No mechanical device for the reproduction or amplification of sounds used in connection with swimming pools shall create a nuisance to adjacent residential properties. (Ord. 0-11-82, passed 11-3-82) Penalty, see § 154.999

#### **§ 154.054 SITE PLAN REQUIREMENTS.**

(A) No building shall be erected or structurally altered nor shall any grading take place on any lot or parcel in zones where a site plan is required, except in accordance with the regulations of this section and an approved site plan as hereinafter required. Before a permit is issued for construction, one copy of the site plan of the area at a scale no smaller than one inch to 100 feet shall be filed with the Building Inspector and the Zoning Administrator. The site plan shall identify and locate, where applicable, the following:

(1) The existing proposed finished topography of the subject property shown by contours with intervals not to exceed five feet. Where conditions exist that may require more detailed information on the proposed topography, contours with intervals of less than five feet may be required by the Planning and Zoning Commission.

(2) All housing units on the subject property:

(a) Detached housing. Location, height, and arrangement and number of all lots, including exact lot dimensions and setbacks, and maximum height of buildings;

(b) Attached housing. Location, height, and arrangement of all buildings indicating the number of units in each building, and where applicable, location and arrangement of all lots with exact lot dimensions.

(3) Location, height, arrangement, and identification of all nonresidential buildings and uses on the subject property and, where applicable, location and arrangement of all lots with exact lot dimensions.

(4) All common open space areas, including accurate lot dimensions and the location and arrangement of all recreational facilities.

(5) Landscaping features, including identification of planting areas and the location, type, and height of walls and fences.

(6) Locations of signs indicating their orientation, size, and height.

(7) All utility lines and easements:

(a) Water distribution systems including line sizes, width of easements, type of pipe, location of hydrants and valves, and other appurtenances;

(b) Sanitary sewer system, including pipe sizes, width of easements, gradients, type of pipes, invert elevations, location and type of manholes, the location, type, size of all lift or pumping stations, capacity, and process of any necessary treatment facilities, and other appurtenances;

(c) Storm sewer and natural drainage system, including pipe culvert sizes, gradients, location of open drainage courses, width of easements, location and size of inlets and catch basins, location and size of retention and/or sedimentation basins, and data indicating the quantity of storm water entering the subject property naturally from areas outside the property, the quantity of flow at each pickup point (inlet), the quantity of storm water generated by development of the subject area, and the quantity of storm water to be discharged at various points to areas outside the subject property.

(d) Other utilities (for example, electric, telephone, and the like) including the type of service and the width of easements.

(8) Location of all off-street parking, loading and/or unloading, and driveway areas,

including typical cross sections, the type of surfacing, dimensions, and the number and arrangement of off-street parking, and loading and/or unloading spaces.

(9) Circulation system.

(a) Pedestrian walkways, including alignment, grades, type of surfacing, and width; and

(b) Streets, including alignment, grades, type of surfacing, width of pavement and right-of-way, geometric details, and typing cross sections.

(10) Provisions for control of erosion, hillside slippage, and sedimentation, indicating the temporary and permanent control practices and measures which will be implemented during all phases of clearing, grading, and construction;

(11) A schedule of development, including the staging and phasing of:

(a) Residential areas, in order of priority, by types of dwelling units;

(b) Streets, utilities, and other public facility improvements, in order of priority;

(c) Dedication of land to public use or set aside for common ownership; and

(d) Nonresidential buildings and uses, in order of priority.

(B) The information required by divisions (A)(1) through (11) of this section may be combined in any suitable and convenient manner so long as the data required is clearly indicated.

(C) All such site plans shall be reviewed by the Planning and Zoning Commission and factual determination approving or rejecting such plans shall be made in accordance with requirements of this or other applicable sections of this chapter, and the Comprehensive Plan for the county.

(D) All site plans approved shall be binding upon the applicants, their successors and assigns and shall limit the development to all conditions and limitations established in such plans.

(E) Amendments to plans may be made in accordance with the procedure required by this chapter subject to the same limitations and requirements as those under which such plans were

originally approved.

(F) After final approval, the subject area may be developed in stages, provided all of the procedures required by the Planning and Zoning Commission have been complied with.  
(Ord. 0-11-82, passed 11-3-82) Penalty, see § 154.999

#### **§ 154.055 AIR RIGHTS.**

Any proposed use of air rights, as defined in § 154.005, shall be in the form of a site plan (as regulated in § 154.054) submitted to the Planning and Zoning Commission for its review.  
(Ord. 0-11-82, passed 11-3-82)

#### **§ 154.056 DESIGN AND CONSTRUCTION OF IMPROVEMENTS.**

Any proposed development requiring the construction of streets (including curbs and gutters), sidewalks, sewers (sanitary and storm), water lines, or other improvements, which does not constitute a subdivision, as defined in § 154.005, shall be required to be designed and constructed in accordance with the applicable articles and sections of the subdivision regulations.  
(Ord. 0-11-82, passed 11-3-82)

#### **§ 154.057 PARKING OR STORING OF TRAILERS, MOBILE HOMES, CAMPERS, INOPERABLE VEHICLES, AND OTHER EQUIPMENT.**

(A) No motor vehicle which is inoperable shall be stored on any lot in any zone or parcel of ground unless it is in a completely enclosed building. Parking shall be limited to the number of operable vehicles regularly used by members of a resident family and their guests.

(B) It shall be unlawful for any person or persons to live in any automobile, camper, bus, boat, or trucks within the limits of the county, except mobile homes may be permitted as provided herein and houseboats along the Licking and Ohio Rivers providing they are in accordance with state requirements.

© The outside storage of any trailer, mobile home, recreational vehicle, camper, boat, or similar type equipment shall be restricted to the rear yard of all lots within the county, except as herein provided and in cases where, due to unique conditions,

topographic or other, which do not allow use of the rear yard, the Planning and Zoning Commission may permit such storage on another part of the lot.  
(Ord. 0-11-82, passed 11-3-82) Penalty, see § 154.999

#### **§ 154.058 HILLSIDE DEVELOPMENT CONTROLS.**

(A) This section is designed to ensure, when development is proposed in those areas of the community which have physical characteristics limiting development (hillside slopes of 20% or greater) that said development will occur in a manner harmonious with adjacent lands so as to minimize problems of drainage, erosion, earth movement, and other natural hazards.

(B) Areas of land on which development is physically restricted due to excessive hillside slopes shall be limited according to the following requirements, notwithstanding any other section of this chapter or any other ordinance adopted by the county:

(1) All land areas located within the county and identified on the Comprehensive Plan as "Physically Restrictive Development Areas" and any other areas which have slopes of 20% or greater shall require approval before development may occur. In those areas which are identified in the Comprehensive Plan as physically restrictive development areas and containing slopes less than 20%, the requirements contained herein may be waived; if, after review of the proposed site plan by the engineer, it is determined that said development will not result in hillside slippage or soil erosion.

(2) No excavation, removal, or placement of any soil, foundation placement, or construction of buildings or structures of any nature within the area identified in division (B)(1) above, may occur until plan specifications for such work have been submitted in the form of a site plan as regulated by § 154.054. In addition to site plan requirements, the following shall also be submitted.

(a) Plans which show existing topography and the proposed physical changes necessary for construction, indicating grading (cutting and filling) compaction, erosion ponds, areas to be defoliated, and any other pertinent information which will change the natural physical features of the site or general area.

(b) Subsurface investigation of the area under consideration, including test boring, laboratory

tests, engineering tests, and a geological analysis should be made by a qualified registered civil engineer and a geologist, indicating that the building and physical changes proposed in the area will be completed in a manner which will minimize hillside slippage or soil erosion.

(3) The site plan and other information required in division (B)(2) of this section shall be reviewed by the County Engineer who will recommend to the Planning and Zoning Commission what effect the proposed development will have on hillside slippage and soil erosion. After consideration of the recommendation, the Planning and Zoning Commission may grant a permit for use of the site in accordance with the submitted plans.

(4) If, after review of the plans required by this section, the Planning and Zoning Commission determines that said proposed plans will not minimize hillside slippage, the Planning and Zoning Commission shall deny a permit for the development of said land, and the site shall be limited to those open type uses, excluding structures, as permitted or conditionally permitted in the Conservation Zone. (Ord. 0-11-82, passed 11-3-82) Penalty, see § 154.999

#### **§ 154.059 FLOOD PROTECTION DEVELOPMENT CONTROLS.**

(A) Purpose. The purpose of the flood protection development controls is:

(1) To encourage only that development of flood prone areas which is appropriate in light of the probability of flood damage and the need to reduce flood losses, is an acceptable social and economic use of the land in relation to the hazards involved, and does not increase the damage to human life; and

(2) To discourage all other development in flood prone areas not identified in division (A)(1) above.

(B) Areas of land adjacent to streams, rivers, or bodies of water which have a high degree of susceptibility to flooding shall be limited to development according to the following regulations, notwithstanding any other section of this chapter or any other ordinance adopted by the county.

(1) The limits of the flood plain are shown on the official zoning map of the county in screen pattern, designated as a flood protection control area (which pattern may overlap and include one or more

zoning districts). The limits of the floodway are contained within the flood protection control area and also identified on the official zoning map.

(2) Areas designated as susceptible to flooding shall be controlled by both the zoning district in which the area is located and the requirements of this section.

(3) No person, city, county or other political subdivision of the state shall commence filling any area with earth, debris, or any other material or raise the level of any area in any manner, or place a building, barrier, or obstruction of any sort on any area located within the floodway which would result in any increase in flood heights during the recurrence of a 100-year flood discharge. Plans and specifications for such work shall be submitted to the County Municipal Planning and Zoning Commission for review and approval to determine if said encroachment will meet the requirements of this chapter, also the approval by the Division of Water, Kentucky Department for Natural Resources and Environmental Protection and the Corps of Engineers are required.

(4) (a) All land outside the floodway of the Ohio and Licking Rivers and their tributaries, but located within the flood plain may be used for any purpose for which it is zoned; provided that any new residential construction including any expansion or substantial improvements of existing residential structures as herein defined within said flood plain shall have the lowest floor which is used for living quarters elevated to or above the level of the 100-year flood.

(b) In the case of construction of new nonresidential structures including any expansion or substantial improvements of nonresidential structures within the flood plain area, the lowest floor shall be elevated to or above the level of the 100-year flood or together with attendant utility and sanitary facilities, floodproofed up to the level of the 100-year flood.

©) See Appendix S for elevation of the 100-year flood along the Ohio and Licking Rivers. In the case of any proposed activity along the tributaries of the Ohio and Licking Rivers, a survey shall be made by a qualified registered civil engineer establishing the elevation of the 100-year flood for said area along the tributary prior to the issuance of a building permit.

(d) All roadway accesses and utilities to structures located within the flood plain shall be

flood protection of the land filled, or any combination thereof, to the level of not less than the elevation of a flood with a recurrence interval of 100 years. In constructing an earth fill either partially or entirely within the flood plain, said design shall provide assurance from the Corps of Engineers that the fill does not restrict or obstruct the flow of flood waters or reduce the hydraulic efficiency of the channel, which in turn could cause flood water backup and resultant high flood water elevation upstream of the filled site. Where the fill is partially within the flood plain, roadway access and utilities shall be provided from the dry side. If the fill is entirely in the flood plain, roadway access and utilities shall be provided by constructing an access road or bridge to an elevation above the 100-year flood.

(e) For purposes of this section, **SUBSTANTIAL IMPROVEMENT** means any repair, reconstruction, or improvement as a result of damage to the structure, the cost of which equals or exceeds 50% of the actual market value of the structure before the damage occurred. Substantial improvement is started when the first alteration of any structural part of the building commences.

(5) All construction or modification of buildings and structures including flood proofing measures and techniques in the flood plain area shall be in accordance with the applicable design standards of the U.S. Army Corps of Engineers publication entitled "Flood Proofing Regulations", June, 1972 GPO 19730-505-026 Edition, or as amended.

(6) An existing structure or use which is regulated by this section and which does not conform to the requirements herein shall be nonconforming by reason of noncompliance and subject to the requirements of § 154.047; however, any existing permitted use and structure may be modified, altered, or repaired to incorporate flood proofing measures, where such measures do not raise the level of the 100-year flood, subject to the conditions of division (B)(4) above.

(7) All land above the elevation of a flood with a recurrence interval of 100 years may be used for any purpose for which it is zoned without further flood protection.

(8) A survey of the site in question will be required prior to the issuance of any building permit or construction activity that would alter the site in any manner, to firmly establish the existing elevation of the land.

(9) A site plan, as regulated by § 154.054, shall be required for any land below the elevation of a flood with a recurrence interval of 100 years.

(Ord. 0-11-82, passed 11-3-82) Penalty, see § 154.999  
Cross reference:

*Flood damage prevention, see Chapter 151*

#### § 154.060 SANITARY LANDFILL REGULATIONS.

(A) Sanitary landfill operations may be permitted to locate in the zone, as permitted A-1 Zone provided the following requirements are met:

(1) Minimum area: 50 acres;

(2) Distance from adjacent uses:

(a) From residences and other structures: 500 feet; and

(b) From rivers, streams, and lakes: 150 feet.

(3) Landfill operations shall not be conducted within 100 feet from any dedicated right-of-way or property line which is the exterior boundary of the landfill;

(4) A dense belt of evergreen trees and/or shrubs, not less than six feet after one full growing season, and at maturity not less than ten feet high shall be provided along all boundary lines not protected by comparable vegetative screening;

(5) The applicable regulations promulgated by the Kentucky Department of Natural Resources and Environmental Protection pertaining to landfill operations shall be strictly adhered to and are made a part of the zoning code (see appendices);

(6) Site development plan; development plan requirements. Before a permit is issued, one copy of the development plan of the area at a scale no smaller than one inch to 100 feet shall be filed with the Zoning Administrator setting forth, identifying and locating the following:

(a) Total area in the development project including legal description;

(b) Present zoning of property in question and adjacent properties;

(c) All public and private right-of-ways and easement lines located on or adjacent to the

property which are proposed to be continued, created, relocated, or abandoned;

(d) Existing topography with a maximum of two-foot contour intervals. Where existing ground is on a slope of less than 2% eight one-foot contours or spot elevation, where necessary, but not more than 50 feet apart in both directions;

(e) The proposed finish grade of the development area shown by contours with intervals not larger than two feet, supplemental where necessary by spot elevations;

(f) The location of every existing and proposed building in the described parcel or parcels, the use or uses to be contained therein, the number of building, including dimensions and heights, the gross floor area and number of floors;

(g) Location and dimension of all curb cuts, driving lanes, off-street parking and loading and/or unloading areas including number of spaces, angle of stalls, grades, and illumination facilities;

(h) All walks, malls, and other open areas;

(i) Location of all walls, fences, and screen planting;

(j) Location, size, height, and orientation of all signs;

(k) Types of surfacing proposed on the various off-street parking and driveways including cross section and drainage plans;

(l) Location of all existing and proposed streets, highways, and alleys;

(m) All existing and proposed water and sanitary sewer lines, indicating pipe sizes types, and grades;

(n) A drainage plan of the area showing size and location of each existing and proposed structure. The approximate volume of water generated by development of the subject area and the proposed method of disposing of said water. Provisions shall be included for the adequate control of erosion and sedimentation, indicating the proposed temporary and permanent control practices and measures which will be implemented during all phases of clearing, grading, and construction;

(o) Such other information with regard to development areas as may be required by the Planning and Zoning Commission to determine conformance with this order;

(p) No landfills shall be located within a two mile radius of any city or town limits in the unincorporated area of this county, unless all municipalities whose boundary line is within two miles of the landfill site, by proper resolution and ordinance agree that said landfill site may be established.

(B) All such development plans shall be reviewed by the Planning and Zoning Commission and the factual determination approving or rejecting such plans shall be made in accordance with the requirements of this or other applicable sections of this chapter and the adopted Comprehensive Plan for the county.

©) All development plans approved shall be binding upon the applicants, their successors and shall limit the development to all conditions and limitations established in such plans.

(D) Amendments to plans may be made by the Planning and Zoning Commission after a hearing on same, subject to the same limitations and requirements as those under which such plans were originally approved.

(E) After a final approval the subject area may be developed in stages, provided all of the procedures required by the Planning and Zoning Commission have been complied with.

(Ord. 0-11-82, passed 11-3-82) Penalty, see § 154.999

#### **§ 154.061 PHASED ZONING REGULATIONS.**

(A) Phased zoning is an overlay type regulation to be used in cases where the timing and/or phasing of the zoning of an area is especially critical to the implementation of the adopted Comprehensive Plan. The intent of the phased zoning regulations is to encourage development or redevelopment of a specified area of the use and/or density designated on the Comprehensive Plan when the necessary conditions for such development are realized (for example, demolition of existing deteriorated areas; provision of urban services, such as public water and centralized sanitary sewer systems). Implicit in such a phased zoning approach is the premise that until such conditions are realized, the type of development identified by the Comprehensive Plan is premature; such development would be prevented by temporarily

zoning the area to generally conform with the predominant existing land use, with a clear stipulation of an intended future re-zoning, which would be in compliance with the adopted Comprehensive Plan.

(B) The phased zoning regulations may be overlaid over any zoning classification by means of a conventional zone change process. The use of the phased zoning regulations would indicate that the regulations of the overlaid zone are currently being enforced based upon the general existing land use, but on attainment of all the requirements of the zone which corresponds to the adopted Comprehensive Plan for type of use and/or density and other requirements of this chapter, the area could be rezoned in direct compliance with the Plan.

©) Phased zones are indicated on the official zoning map by adding to the overlaid zone, the letter "P" as a suffix enclosed in parentheses. For example, in order to properly phase its change to an urban development, an area zoned "R-RE" in a rural area which is identified for future single family residential urban development at 3.5 dwelling units per net acre on the locally adopted Comprehensive Plan could be temporarily zoned "R-RE (P)", indicating the present development on the site would be in conformance with the regulations of the overlaid R-RE Zone, but that, upon the attainment of certain conditions (for example, provision of adequate public water and centralized sanitary sewer facilities) required for single family urban development at 3.5 dwelling units per net acre as indicated on the Comprehensive Plan, the area could be rezoned through a conventional zone change procedure. At the time of the zone change, the temporary R-RE (P) Zone is removed and the area is developed according to the regulations of the new zone, which is in conformance with the adopted Comprehensive Plan.

(D) The minimum size of any area to be rezoned as regulated by this section is ten acres, provided that all other provisions of this chapter and the county subdivision regulations are adhered to. Development of a smaller tract adjacent to an existing zone being requested may be permitted if the proposed development conforms to and extends the original development as if the new area had been a part of the original development, and provided further that the zone is in conformance with the Comprehensive Plan.

(Ord. 0-11-82, passed 11-3-82)

## **§ 154.062 MOBILE HOMES.**

Mobile homes shall be permitted in mobile home parks in RHMP Zone, as provided for in this chapter. In addition, all mobile home park installations shall comply with the following regulations.

(A) The mobile home shall, at a minimum, be equipped with a flush toilet, a tub or shower bath, kitchen facilities, and plumbing and electrical connections designed for attachment to appropriate external systems.

(B) All health, sanitation (including sewers and/or private secondary sewage treatment plants approved by the proper authorities), and safety requirements applicable to a conventional dwelling, shall be equally applicable to a mobile home.

©) Off-street parking shall be provided subject to the requirements of §§ 154.120 through 154.131.

(D) In all mobile home parks, all outdoor storage of boats, trailers, trucks over 3/4-tons, inoperable vehicles, or other large items shall be permitted only in an enclosed building or a portion of the park designated for such storage and enclosed by a fence and screen plantings.

(E) Any mobile home, mobile home site, or mobile home park shall conform to the "Kentucky Home and Recreational Vehicle Park Law and Mobile Home Park Regulations."

(F) The mobile home shall be set and adequately anchored on a concrete or hard surfaced slab in accordance with the "Kentucky Mobile Home and Recreational Vehicle Park Regulations" and the open space between the ground and the floor of the mobile home shall be enclosed with some material such as concrete block, corrugated metal, or other durable and suitable material.

(G) Any person, firm, or corporation desiring to install a mobile home in the county shall apply for a zoning/building permit, and an occupancy permit from the county. Said permits must be approved prior to the installation and occupancy of any mobile home. Mobile home parks shall be developed in accordance with the county subdivision regulations and all other pertinent regulations of this chapter. Each mobile home must display the proper building/occupancy permit decal, signifying that all permits have been approved by the Building Inspector and Zoning Administrator.

(H) Any mobile home placed in the county shall display the Housing and Urban Development Seal or NFPA 501B Seal certifying that the home was manufactured according to Housing and Urban Development Standards for mobile homes.

(I) A mobile home shall be fitted to use propane, natural gas, and/or electric for energy. Fuel oil and other liquid petroleum products shall not be stored or used in the mobile home site.

(Ord. 0-11-82, passed 11-3-82; Am. Ord. 0-21-87, passed 12-3-87) Penalty, see § 154.999

#### **§ 154.063 INDIVIDUAL MOBILE HOME SITES.**

(A) No person shall use or locate a trailer or mobile home on any premises outside an approved mobile home park, or in the recreational use trailer zone, or in a mobile home park subdivision, except in A-1 Zones of the county subject to the following regulations:

(1) The mobile home shall be so located that no other dwelling or business, conventional or mobile, exists within a radius of 125 feet of the mobile home.

(2) The mobile home site shall be a minimum area of one acre with a minimum road frontage of 150 feet.

(3) The mobile home site shall be owned by the person or persons owning and occupying the mobile home and a legally recorded lot and/or plat of same shall be recorded in the County Clerk's office, provided always that the plat of said lot shall be approved by the Planning and Zoning Commission or where appropriate by the Zoning Administrator.

(4) The mobile home shall be set back at least 100 feet from the front property line and 50 feet from the side property lines.

(5) Any person, firm, or corporation desiring to locate a mobile home shall file a written petition with the Zoning Administrator, setting forth in said petition a legal description of the entire area to be used for the mobile home site, together with a plat of said area, showing the real estate immediately adjacent thereof, including the location of any other dwelling or business, conventional or mobile. In addition, said petition shall contain a statement showing the names and addresses of all owners of all properties laying within a radius of 125 feet of the mobile home. Said petition shall be accompanied by

a certified check or money order in the sum of \$25 made payable to the County Fiscal Court to cover the costs of processing the matter. No part of said \$25 shall be refunded. If it is permissible under the zoning regulations, the Zoning Administrator shall state where permissible. If the area to be used as a mobile home site is a division of property so as to come within the purview of the definition of a subdivision as defined in KRS Chapter 100, the party desiring approval shall in addition to complying with this section, shall also comply with the county planning and zoning regulations.

(6) The mobile home shall be the only principal building on the lot except as provided by KRS 100.203(4); and

(7) Because of the inherent ability of a mobile home to be moved from one site to another, no permit granted for the installation of such a unit shall be considered perpetual. If, at any time, the County Planning and Zoning Administrator discovers a violation of this section, he may revoke the permit, subject to a right of appeal to the Planning and Zoning Commission.

(8) All mobile homes to be placed in an A-1 Zone shall also conform to all portions of § 154.062.

(B) Trailers used for recreation. Trailers used exclusively for recreational purposes, customarily connected with the use of the Ohio and Licking Rivers, may locate in any zone in an area between the water line of either of said rivers in pool state and a point of 500 feet back therefrom. The minimum requirements shall be as set forth in division (A) of this section, and trailers in these areas must comply with the state's Recreation Trailer Laws or they shall be deemed unlawful.

©) Trailers, temporary. A temporary trailer may be placed on a lot if approved by the Planning and Zoning Commission, to be lived in while construction of a house is under way. There must be a definite time limit, established by the requestor and Planning and Zoning Commission, at the time the request is made. Each temporary trailer permit shall be valid for one year subject to extension by the Planning and Zoning Commission.

(Ord. 0-11-82, passed 11-3-82; Am. Ord. 0-21-87, passed 12-3-87) Penalty, see § 154.999



**ZONE REGULATIONS****§ 154.075 RIVER RECREATION/CONSERVATION  
®/CO) ZONE.**

(A) Uses permitted. The following uses shall be permitted:

- (1) Agricultural uses;
- (2) Publicly owned and/or operated parks and/or recreation areas;
- (3) Private recreational uses other than those publicly owned and/or operated such as golf courses, country clubs, and camping areas.
- (4) Restaurants.

(B) Accessory uses. The following accessory uses shall be permitted:

- (1) Customary accessory buildings and uses;
- (2) Fences as regulated by §§ 154.165 through 154.172;
- (3) Signs as regulated in §§ 154.185 through 154.192.

©) Conditional uses. No building or occupancy permit shall be issued for any of the following, nor shall any of the following uses or any customary accessory buildings or uses be permitted until and unless the location of such use shall have been applied for and approved of by the Board of Adjustments:

- (1) Riding academies and stables;
- (2) The following uses are permitted in connection with streams, rivers, lakes, or other bodies of water, providing that the development of all permitted facilities adjacent to navigable waters shall be approved by the Corps of Engineers, Department of the Army, and the Division of Water, Kentucky Department for Natural Resources and Environmental Protection, and such statements of approval or denial shall be submitted to the Board of Adjustments at the time of submittal for a conditional zoning certificate:
  - (a) Boat harbors and marinas. The following uses shall be permitted as accessory uses in

connection with any boat harbor or marina and primarily intended to serve only persons using the boat harbor or marina:

- repairs;
  - 1. Boat fueling, service, and
  - 2. Sale of boat supplies;
  - 3. Grocery store;
  - 4. Club house and lockers, if
  - 5. Single-family dwelling units
- afloat; or
- including cabins.
  - (b) Public boat landing and launching facilities;
  - ©) Dockage facilities; or
  - (d) Off-street parking facilities and temporary parking of boat trailers including spaces large enough to accommodate automobiles pulling boats.

(D) Area and height regulations. No building shall be erected or structurally altered hereafter except in accordance with the following regulations:

- (1) Minimum lot area, one acre.
- (2) Minimum lot width, 150 feet.
- (3) Minimum front yard depth, 50 feet.
- (4) Minimum side yard width, 25 feet.
- (5) Minimum rear yard depth, 50 feet.
- (6) Maximum building height, 25 feet.
- (E) Other development controls.

(1) All uses permitted and conditional uses permitted in this zone shall require a certificate of approval from the County Engineer, certifying his approval of the type of and manner of construction to be built (insuring that such construction shall not cause flood hazards, soil erosion, adverse changes in the natural drainage courses, or unnecessary destruction of natural features). It shall be submitted to the Planning and Zoning Commission along with the description and/or site plan of the proposed use, at time of request.

(2) Temporary camping units, tents, and recreational vehicles as defined in KRS 219.320(8) shall be permitted; however, no such units shall be used for year-round habitation, and not more than two units may occupy any lot at one time.

(3) Off-street parking shall be provided for any use within this zone, according to the provisions of §§ 154.120 through 154.131.

(4) No outdoor storage of any material (usable or waste) shall be permitted in this zone, except within enclosed containers.

(5) No motor vehicle which is inoperable, mobile home, or trailer which is usable or unusable, shall be stored or used for storage of any items therein on any lot or parcel in this zone.

(6) No use producing objectionable odors, noise, or dust, shall be permitted within 500 feet from the boundary of any residential zone. (Ord. O-11-82, passed 11-3-82; Am. Ord. O-11-98, passed 6-18-97) Penalty, see § 154.999

#### **§ 154.076 A-1 AGRICULTURE ZONE.**

(A) Uses permitted. The following uses shall be permitted:

(1) Single-family dwellings (detached).

(2) Mobile homes subject to the requirements of § 154.063 and KRS 100.203(4).

(3) Sale of products that are raised, produced, and processed on the premises, provided that no roadside stands of any type for the sale or display of agricultural products shall be permitted within 50 feet from any street.

(4) Greenhouses and nurseries, including both wholesale and retail sales of products grown on the premises provided that the storage of manure shall not be permitted nearer the front of a street than 100 feet, or not nearer a side lot line than 50 feet.

(5) Stables and riding academies, both public and private.

(6) Sanitary landfills as regulated by § 154.060.

(7) Taxidermy and other related wildlife resources sales and service, with sales portion not to exceed 10% of the gross floor area of the operations.

(8) Animal hospitals and veterinary clinics.

(B) Accessory uses. The following accessory uses shall be permitted:

(1) Customary accessory buildings and uses.

(2) Fences and walls as regulated by §§ 154.165 through 154.172.

(3) Home occupations subject to the restrictions and limitations established in § 154.046.

(4) Signs as regulated by §§ 154.185 through 154.192.

(5) The keeping of not more than four roomers or boarders by a resident family.

(6) Living quarters for persons employed on a farm.

(C) Conditional uses. No building or occupancy permits shall be issued for any of the following nor shall any of the following uses or any customary accessory buildings and uses be permitted until and unless the location of said use shall have been applied for and approved of by the Board of Adjustments as set forth in § 154.049:

(1) Cemeteries.

(2) Churches and other accessory buildings for the purpose of recognized religious worship, providing they are located adjacent to an arterial or collector or local street.

(3) Nursery school.

(4) Police and fire stations provided they are located adjacent to an arterial street.

(5) Public and parochial schools.

(6) Publicly owned and/or operated parks, playgrounds, golf courses, community recreational centers, including public swimming pools and libraries. Lodging facilities may be developed in conjunction with a park and recreation facility.

(7) Recreational uses, other than those publicly owned and/or operated as follows:

- (a) Golf courses
- (b) Country clubs
- (c) Semi-public swimming pools
- (d) Tennis courts/clubs
- (e) Fishing lakes
- (f) Gun clubs and ranges
- (g) Boat harbors and marinas

(8) Hospitals for human care, clinics, sanitariums, homes for the aged, religious and charitable institutions, not including penal or correctional institutions; provided that any building for patients shall be distant at least 200 feet from every adjoining lot in any residence zones and that the area of the parcel of land so occupied shall be no less than 10 acres;

(9) Essential services and public utility stations;

(10) Commercial animal farms provided that any lot or tract of land in such use shall be not less than ten acres and that any building or enclosure in which animals are kept shall be distant at least 400 feet from any lot in any residence zone, or any lot occupied by a dwelling other than a farm dwelling, or by any school, church, or any institution for human care;

(11) Timber cutting and sawmills; plants for the processing and storage of agricultural products;

(12) Boat harbors, marinas, and the like as outlined in Res. 15-87 as a conditionally permitted use.

(13) Kennels.

(14) Funeral homes, providing they are located adjacent to an arterial street.

(D) Limitations on signs. No signs intended to be read from off the premises except the following on-site signs:

(1) Non-illuminated real estate signs, advertising the sale, rental, or lease of only the premises on which they are maintained, such signs

shall not be over 12 square feet in area, and not more than one sign shall be permitted on any one lot frontage;

(2) Non-illuminated subdivision signs advertising the sale, rental, or lease of premises within new subdivision on which they are maintained, such signs shall not exceed 250 square feet in area;

(3) Non-illuminated signs advertising products for sale at roadside stands, not over six square feet in area;

(4) An announcement sign or a bulletin board in connection with a church, school, community center, or other public or institutional building, not over 12 square feet in area.

(E) Area and height regulations for permitted uses. No building shall be erected or structurally altered hereafter except in accordance with the following regulations:

(1) Minimum lot area, one acre

(2) Minimum lot width, 100 feet.

(3) Minimum front yard depth, 50 feet.

(4) Minimum side yard width on each side of lot. Total: 25 feet; one side: ten feet.

(5) Minimum rear yard depth, 35 feet.

(6) Maximum building height, 35 feet.

(F) Area and height regulations for conditionally permitted use. No building shall be erected or structurally altered hereafter except in accordance with the following regulations:

(1) Minimum lot area, three acres.

(2) Minimum lot width, 100 feet.

(3) Minimum front yard depth, 50 feet.

(4) Minimum side yard width on each side of lot, 10 feet.

(5) Minimum rear yard depth, 25 feet.

(6) Maximum building height, 35 feet.

(G) Other development controls.

(1) Off-street parking and loading or unloading shall be provided in accordance with §§ 154.120 through 154.151.

(2) No lighting shall be permitted which would glare from this zone into any street, road, highway, deeded right-of-way, or into any residential zone.

(Ord. O-11-82, passed 11-3-82; Am. Ord. O-24-87, passed 12-30-87; Am. Ord. O-25-87, passed 12-30-87; Am. Ord. O-1-98, passed 3-4-98; Am. Ord. O-17-2000, passed 10-4-00; Am. Ord. O-08-04, passed 4-7-04; Am. Ord. O-06-06, passed 5-17-06) Penalty, see § 154.999

#### **§ 154.077 R-RE RESIDENTIAL RURAL ESTATE.**

(A) Uses permitted. The following use shall be permitted:

(1) Single-family dwellings (detached).

(B) Accessory uses. The following accessory uses shall be permitted:

(1) Customary accessory building and uses.

(2) Fences and walls as regulated by §§ 154.165 through 154.172.

(3) Home occupations subject to the restrictions and limitations established in § 154.046.

(4) Signs as regulated by §§ 154.185 through 154.192.

(5) Living quarters for domestic servants, if attached to the main structure.

(6) The keeping of not more than two roomers or boarders.

(7) Privately owned swimming pools.

(8) Public utility stations, after approval of the Planning and Zoning Commission.

(C) Conditional uses. No building or occupancy permit shall be issued for any of the following nor shall any of the following uses or any customary accessory buildings and uses be permitted until and unless the location of said use shall have been applied for and approved of by the Board of Adjustments as set forth in § 154.049:

(1) Cemeteries.

(2) Churches and other accessory buildings for the purpose of recognized religious worship providing they are located adjacent to an arterial or collector or local street.

(3) Institutions for higher education providing they are located adjacent to an arterial street.

(4) Nursery schools.

(5) Public and parochial schools.

(6) Publicly-owned and/or operated parks, playgrounds, golf courses, community recreational centers, including public swimming pools, riding stables, saddle clubs, and libraries.

(7) Recreational uses, other than those publicly owned and/or operated as follows:

(a) Golf courses

(b) Country clubs

(c) Semi-public swimming pools

(d) Tennis courts/clubs

(e) Fishing lakes and clubs

(f) Gun clubs and ranges

(g) Riding stables and saddle clubs

(8) Institutions for human medical care: hospitals, clinic sanitariums, convalescent homes, nursing homes, and homes for the aged provided they are located on arterial streets.

(9) Police and fire stations, provided they are located adjacent to an arterial street.

(14) Funeral homes, providing they are located adjacent to an arterial street.

(D) Area and height regulations for permitted and conditional uses. No building shall be erected or structurally altered hereafter except in accordance with the following regulations:

(1) Minimum lot area, one acre.

(2) Minimum lot width, 100 feet.

(3) Minimum front yard depth, 50 feet.

(4) Minimum side yard width on each side lot, total: 25 feet; one side: ten feet.

(5) Minimum rear yard depth, 25 feet.

(6) Maximum building height, 35 feet.

(E) Other development controls.

(1) Off-street parking and loading or unloading shall be provided in accordance with §§ 154.120 through 154.151.

(2) No lighting shall be permitted which would glare from this zone onto any street, road, highway, deeded right-of-way, or into any residential zone.

(3) All buildings for the storage of animals and/or manure shall be located a minimum of 200 feet from all front, side, and rear property lines. (Ord. O-11-82, passed 11-3-82; Am. Ord. O-17-2000, passed 10-4-00; Am. Ord. O-06-06, passed 5-17-06) Penalty, see § 154.999

#### § 154.078 R-1A RESIDENTIAL ONE-A ZONE.

(A) Uses permitted. The following use shall be permitted:

(1) Single-family dwellings.

(B) Accessory uses. The following accessory uses shall be permitted:

(1) Customary accessory buildings and uses.

(2) Fences and walls as regulated by §§ 154.165 through 154.172.

(3) Signs as regulated by §§ 154.185 through 154.192.

(4) Home occupations subject to the restrictions and limitations established in § 154.046.

(5) Public utility stations, after the approval of the Planning and Zoning Commission.

(C) Conditional uses. No building or occupancy permit shall be issued for any of the following, nor shall any of the following uses or any customary accessory buildings or uses be permitted until and

unless the location of said uses shall have been applied for and approved of by the Board of Adjustments as set forth in § 154.049:

(1) Cemeteries.

(2) Churches and other accessory buildings for the purpose of recognized religious worship providing they are located adjacent to an arterial or collector or local street.

(3) Institutions for human medical care; hospitals, clinic sanitariums, convalescent homes, nursing homes, and homes for the aged providing they are located adjacent to an arterial street.

(4) Nursery schools.

(5) Public and parochial schools.

(6) Publicly owned and/or operated parks, playgrounds, golf courses, community recreational centers, including public swimming pools and libraries.

(7) Recreational uses other than those publicly owned and/or operated as follows:

(a) Golf courses

(b) Country clubs

(c) Semi-public swimming pools

(8) Police and fire stations.

(D) Area and height regulations for permitted uses. No buildings shall be erected or structurally altered hereafter except in accordance with the following regulations:

(1) Minimum lot area, one acre.

(2) Minimum lot width, 100 feet.

(3) Minimum front yard depth, 50 feet.

(4) Minimum side yard width on each side of lot, total: 25 feet; one side: ten feet.

(5) Minimum rear yard depth, 25 feet.

(6) Maximum building height, 35 feet.

(E) Area and height regulations for conditionally permitted uses. No conditional building

and/or use shall be erected or structurally altered hereafter except in accordance with the following regulations:

- (1) Minimum lot area, one acre.
- (2) Minimum lot width, 100 feet.
- (3) Minimum front yards, 50 feet.
- (4) Side and rear yards, 25 feet.
- (5) Maximum building height, 35 feet.

(F) Other development controls.

(1) Off-street parking and loading or unloading shall be provided in accordance with §§ 154.120 through 154.151.

(2) No outdoor storage of any material (usable or waste) shall be permitted in this zone except within enclosed containers.

(3) No lighting shall be permitted which would glare from this zone onto any street, road, highway, deeded right-of-way, or into any adjacent property.

(4) Where any yard of any conditional use permitted in this zone abuts property in a single-family zone, a ten foot wide screening area as regulated by § 154.052 shall be required. (Ord. O-11-82, passed 11-3-82; Am. Ord. O-17-2000, passed 10-4-00) Penalty, see § 154.999

**§ 154.079 R-1B RESIDENTIAL ONE-B ZONE.**

(A) Uses permitted. The following use shall be permitted:

(1) Single-family dwellings, with or without central sewage systems, in the county; or within the city limits.

(B) Accessory uses. The following accessory uses shall be permitted:

(1) Customary accessory buildings and uses.

(2) Fences and walls as regulated by §§ 154.165 through 154.172.

(3) Signs as regulated by §§ 154.185 through 154.192.

(4) Home occupations subject to the restrictions and limitations established in § 154.046.

(5) Public utility stations, after the approval of the Planning and Zoning Commission.

(C) Conditional uses. No building or occupancy permit shall be issued for any of the following, nor shall any of the following uses of any customary accessory buildings or uses be permitted until and unless the location of said uses shall have been applied for and approved of by the Board of Adjustments as set forth in § 154.049:

(1) Cemeteries.

(2) Churches and other accessory buildings for the purpose of recognized religious worship providing they are located adjacent to an arterial or collector or local street.

(3) Institutions for human medical care: hospitals, clinic sanitariums, convalescent homes, nursing homes, and homes for the aged providing they are located adjacent to an arterial street.

(4) Nursery schools.

(5) Public and parochial schools.

(6) Publicly owned and/or operated parks, playgrounds, golf courses, community recreational centers, including public swimming pools and libraries.

(7) Recreational uses other than those publicly owned and/or operated as follows:

(a) Golf courses

(b) Country clubs

(c) Semi-public swimming pools

(8) Police and fire stations.

(D) Area and height regulations for permitted uses. No buildings shall be erected or structurally altered hereafter except in accordance with the following regulations:

(1) Minimum lot area, ½-acre or one acre if central sewage is not adjacent to the lot.

- (2) Minimum lot width, 85 feet.
- (3) Minimum front yard depth, 30 feet.
- (4) Minimum side yard width on each side of lot, total: 20 feet; one side: seven feet.
- (5) Minimum rear yard depth, 25 feet.





- (6) Maximum building height, 35 feet.

(E) Area and height regulations for conditionally permitted uses. No conditional building and/or use shall be erected or structurally altered hereafter except in accordance with the following regulations:

- (1) Minimum lot area,  $\frac{1}{2}$  acre or one acre if central sewage is not adjacent to the lot.

- (2) Minimum lot width, 85 feet.

- (3) Minimum front yards, 50 feet.

- (4) Side and rear yard, 25 feet.

- (5) Maximum building height, 35 feet.

(F) Other development controls.

- (1) Off-street parking and loading or unloading shall be provided in accordance with §§ 154.120 through 154.151.

- (2) No outdoor storage of any material (usable or waste) shall be permitted in this zone except within enclosed containers.

- (3) No lighting shall be permitted which would glare from this zone onto any street, road, highway, deeded right-of-way, or into any adjacent property.

- (4) Where any yard of any conditional use permitted in this zone abuts property in a single-family zone, a ten foot wide screening area as regulated by § 154.052 shall be required. (Ord. O-11-82, passed 11-3-82; Am. Ord. O-13-87, passed 6-17-87; Am. Ord. O-17-2000, passed 10-4-00) Penalty, see § 154.999

#### **§ 154.080 R-1C RESIDENTIAL ONE-C ZONE.**

(A) Uses permitted. The following use shall be permitted:

- (1) Single-family dwellings, with a central sewage systems in the county; or within the city limits.

(B) Accessory uses. The following accessory uses shall be permitted:

- (1) Customary accessory buildings and uses.

- (2) Fences and walls as regulated by §§ 154.165 through 154.172.

- (3) Signs as regulated by §§ 154.185 through 154.192.

- (4) Home occupations subject to the restrictions and limitations established in § 154.046.

- (5) Public utility stations, after the approval of the Planning and Zoning Commission.

©) Conditional uses. No building or occupancy permit shall be issued for any of the following, nor shall any of the following uses or any customary accessory buildings or uses be permitted until and unless the location of said uses shall have been applied for and approved of by the Board of Adjustments as set forth in § 154.049:

- (1) Cemeteries.

- (2) Churches and other accessory buildings for the purpose of recognized religious worship providing they are located adjacent to an arterial or collector or local street.

- (3) Institutions for human medical care: hospitals, clinic sanitariums, convalescent homes, nursing homes, and homes for the aged providing they are located adjacent to an arterial street.

- (4) Nursery schools.

- (5) Public and parochial schools.

- (6) Publicly owned and/or operated parks, playgrounds, golf courses, community recreational centers, including public swimming pools and libraries.

- (7) Recreational uses other than those publicly owned and/or operated as follows:

- (a) Golf courses

- (b) Country clubs

- ©) Semi-public swimming pools

- (8) Police and fire stations.

(D) Area and height regulations for permitted uses. No building shall be erected or structurally altered hereafter except in accordance with the following regulations:

- (1) Minimum lot area, 12,500 square feet.
- (2) Minimum lot width, 70 feet.
- (3) Minimum front yard depth, 35 feet.
- (4) Minimum side yard width on each side of lot, total: 20 feet; one side: 7 feet.
- (5) Minimum rear yard depth, 25 feet.
- (6) Maximum building height, 35 feet.

(E) Area and height regulations for conditionally permitted uses. No conditional building and/or use shall be erected or structurally altered hereafter except in accordance with the following regulations:

- (1) Minimum lot area, 22,500 square feet.
- (2) Minimum lot width, 100 feet.
- (3) Minimum front yards, 50 feet.
- (4) Side and rear yards, 25 feet.
- (5) Maximum building height, 35 feet.

(F) Other development controls.

(1) Off-street parking and loading or unloading shall be provided in accordance with §§ 154.250 through 154.151.

(2) No outdoor storage of any material (usable or waste) shall be permitted in this zone except within enclosed containers.  
(Ord. O-11-82, passed 11-3-82; Am. Ord. O-17-2000, passed 10-4-00) Penalty, see § 154.999

### § 154.081 R-1CC (RESIDENTIAL ONE-CC) ZONE.

(A) Permitted uses. The following uses shall be permitted:

- (1) Single-family residential dwellings (detached).
- (2) Two-family residential dwellings.

(B) Accessory uses. The following accessory uses shall be permitted:

(1) Customary accessory buildings and uses.

(2) Fences and walls, as regulated by §§ 154.165 through 154.172.

(3) Signs, as regulated by §§ 154.185 through 154.192.

(4) Home occupations, subject to the restrictions and limitations established in § 154.046.

©) Conditional uses. The following uses or any customary accessory buildings or uses subject to the approval of the Board of Adjustments, as set forth in §§ 154.049 and § 154.262:

(1) Cemeteries.

(2) Churches and other accessory buildings for the purpose of recognized religious worship, providing they are located adjacent to an arterial or collector or local street.

(3) Fire and police stations, providing they are located adjacent to an arterial street.

(4) Governmental offices.

(5) Institutions for higher education, providing they are located adjacent to an arterial street.

(6) Institutions for human medical care: hospitals, clinic sanitariums, convalescent homes, nursing homes, and homes for the aged, providing they are located adjacent to an arterial street.

(7) Nursery schools.

(8) Public and parochial schools.

(9) Publicly owned and/or operated parks, playgrounds, golf courses, community recreational centers, including public swimming pools and libraries.

(10) Recreational uses other than those publicly owned and/or operated, as follows:

(a) Golf courses

(b) Country clubs

©) Swimming pools

(11) Funeral homes, provided they are located adjacent to an arterial street.

(D) Area and height regulations for permitted uses.

(1) Minimum lot area:

(a) Single-family, 12,500 square feet.

(b) Two-family, 18,750 square feet.

(2) Minimum lot width at building setback line:

(a) Single-family, 70 feet.

(b) Two-family, 80 feet.

(3) Minimum front yard depth, 35 feet.

(4) Minimum side yard width: total, 20 feet; one side, 7 feet.

(5) Minimum rear yard depth, 25 feet.

(6) Maximum building height, 35 feet.

(E) Area and height regulations for conditionally permitted uses.

(1) Minimum lot area, 22,500 square feet.

(2) Minimum lot width at building setback line, 150 feet.

(3) Minimum front, side (on each side of lot), and rear yards, 50 feet.

(4) Maximum building height, 35 feet.

(F) Other development controls.

(1) Off-street parking and loading and/or unloading shall be provided in accordance with §§ 154.120 through 154.151.

(2) No outdoor storage of any material (usable or waste) shall be permitted in this zone, except within enclosed containers.

(3) No lighting shall be permitted which would glare from this zone onto any street, or into any adjacent property.

(4) Where any yard of any conditional use permitted in this zone abuts property in a single-family residential zone, a ten-foot wide screening area, as regulated by § 154.052, shall be required. (Ord. O-11-82, passed 11-3-82; Am. Ord. O-22-99, passed 11-3-99; Am. Ord. O-17-2000, passed 10-4-00) Penalty, see § 154.999

#### **§ 154.082 R-1D RESIDENTIAL ONE-D ZONE.**

(A) Uses permitted. The following use shall be permitted:

(1) Single family dwellings, with a central sewage system, in the county or within the city limits.

(B) Accessory uses. The following accessory uses shall be permitted:

(1) Customary accessory buildings and uses.

(2) Fences and walls as regulated by §§ 154.165 through 154.172.

(3) Signs as regulated by §§ 154.185 through 154.192.

(4) Home occupations subject to the restrictions and limitations established in § 154.046.

(5) Public utility stations, after the approval of the Planning and Zoning Commission.

(C) Conditional uses. No building or occupancy permit shall be issued for any of the following, nor shall any of the following uses or any customary accessory buildings or uses be permitted until and unless the location of said uses shall have been applied for and approved of by the Board of Adjustments as set forth in § 154.049:

(1) Cemeteries.

(2) Churches and other accessory buildings for the purpose of recognized religious worship providing they are located adjacent to an arterial or collector or local street.

(3) Institutions for human medical care: hospitals, clinic sanitariums, convalescent homes, nursing homes, and homes for the aged providing they are located adjacent to an arterial street.

(4) Nursery schools.

(5) Public and parochial schools.

(6) Publicly owned and/or operated parks, playgrounds, golf courses, community recreational centers, including public swimming pools and libraries.

(7) Recreational uses other than those publicly-owned and/or operated as follows:

(a) Golf courses

(b) Country clubs

©) Semi-public swimming pools

(8) Police and fire stations.

(D) Area and height regulations for permitted uses. No building shall be erected or structurally altered hereafter except in accordance with the following regulations:

(1) Minimum lot area, 9,000 square feet.

(2) Minimum lot width, 70 feet.

(3) Minimum front yard depth, 30 feet.

(4) Minimum side yard width on each side of lot, total: 18 feet; one side: six feet.

(5) Minimum rear yard depth, 25 feet.

(6) Maximum building height, 35 feet.

(E) Area and height regulations for conditionally permitted uses. No conditional building and/or use shall be erected or structurally altered hereafter except in accordance with the following regulations:

(1) Minimum lot area, 22,500 square feet.

(2) Minimum lot width, 100 feet.

(3) Minimum front yards, 50 feet.

(4) Side and rear yards, 25 feet.

(5) Maximum building height, 35 feet.

(F) Other development controls.

(1) Off-street parking and loading or unloading shall be provided in accordance with §§ 154.120 through 154.151.

(2) No outdoor storage of any material (usable or waste) shall be permitted in this zone except within enclosed containers.

(3) No lighting shall be permitted which would glare from this zone onto any street, road, highway, deeded right-of-way, or into any adjacent property.

(4) Where any yard of any conditional use permitted in this zone abuts property in a single family zone, a ten-foot wide screening area as regulated by § 154.052 shall be required. (Ord. O-11-82, passed 11-3-82; Am. Ord. O-22-99, passed 11-3-99; Am. Ord. O-17-2000, passed 10-4-00) Penalty, see § 154.999

#### **§ 154.083 R-1DD (RESIDENTIAL ONE-DD) ZONE.**

(A) Permitted uses. The following uses shall be permitted:

(1) Single-family residential dwellings (detached).

(2) Two-family residential dwellings.

(B) Accessory uses. The following accessory uses shall be permitted:

(1) Customary accessory buildings and uses.

(2) Fences and walls, as regulated by §§ 154.165 through 154.172.

(3) Signs, as regulated by §§ 154.185 through 154.192.

(4) Home occupations, subject to the restrictions and limitations established in § 154.046.

©) Conditional uses. The following uses or any customary accessory buildings or uses subject to the approval of the Board of Adjustments, as set forth in §§ 154.049 and 154.262:

(1) Cemeteries.

(2) Churches and other accessory buildings for the purpose of recognized religious worship, providing they are located adjacent to an arterial or collector or local street.

(3) Fire and police stations, providing they are located adjacent to an arterial street.

(4) Governmental offices.

(5) Institutions for higher education, providing they are located adjacent to an arterial street.

(6) Institutions for human medical care: hospitals, clinic sanitariums, convalescent homes, nursing homes, and homes for the aged, providing they are located adjacent to an arterial street.

(7) Nursery schools.

(8) Public and parochial schools.

(9) Publicly-owned and/or operated parks, playgrounds, golf courses, community recreational facilities, including public swimming pools and libraries.

(10) Recreational uses other than those publicly owned and/or operated, as follows:

(a) Golf courses

(b) Country clubs

©) Swimming pools

(11) Funeral homes, provided they are located adjacent to an arterial street.

(D) Special permitted accessory uses. When authorized by the County Planning and Zoning Commission:

(1) Clubs, fraternities, sororities, lodges, and meeting places of similar organizations of a noncommercial nature.

(2) Sororities, fraternities, and dormitories may establish live-in quarters near an institution for higher education; providing the following requirements are complied with:

(a) Each structure must have a counselor who will reside in the house with the students and assume control of the students.

(b) No normal room shall contain more than two students per room. Dormitory type rooms may contain additional students, but only after the plans, for such rooms, have been approved of by the Planning and Zoning Commission.

©) Prior to the issuance of an occupancy permit, by the zoning office, the institution responsible for the operation, management, and supervision of such facilities, shall submit any other pertinent information that may be deemed appropriate.

(E) Area and height regulations for permitted uses:

(1) Minimum lot area:

(a) Single family, 9,000 square feet.

(b) Two-family, 13,500 square feet.

(2) Minimum lot width at building setback line:

(a) Single-family, 70 feet.

(b) Two-family, 80 feet.

(3) Minimum front yard depth, 30 feet.

(4) Minimum side yard width: total, 18 feet; one side, six feet.

(5) Minimum rear yard depth, 25 feet.

(6) Maximum building height, 35 feet.

(F) Area and height regulations for conditionally permitted uses:

(1) Minimum lot area, 22,500.

(2) Minimum lot width at building setback line, 150 feet.

(3) Minimum front, side (on each side of lot), and rear yards, 50 feet.

(4) Maximum building height, 35 feet.

(G) Other development controls.

(1) Off-street parking and loading and/or unloading shall be provided in accordance with §§ 154.120 through 154.151.

(2) No outdoor storage of any material (usable or waste) shall be permitted in this zone, except within enclosed containers.

(3) No lighting shall be permitted which would glare from this zone onto any street, or into any adjacent property.

(4) Where any yard of any conditional use permitted in this zone abuts property in a single-family residential zone, a two-foot wide screening area, as regulated by § 154.052, shall be required. (Ord. O-11-82, passed 11-3-82; Am. Ord. O-22-99, passed 11-3-99; Am. Ord. O-17-2000, passed 10-4-00) Penalty, see § 154.999

#### **§ 154.084 R-1E RESIDENTIAL ONE-E ZONE.**

(A) Uses permitted. The following use shall be permitted.

(1) Single-family dwellings, with a central sewage system, in the county or within the city limits.

(B) Accessory uses. The following accessory uses shall be permitted:

(1) Customary accessory buildings and uses.

(2) Fences and walls as regulated by §§ 154.165 through 154.172.

(3) Signs as regulated by §§ 154.185 through 154.192.

(4) Home occupations subject to the restrictions and limitations established in § 154.046.

(5) Public utility stations, after the approval of the Planning and Zoning Commission.

©) Conditional uses. No building or occupancy permit shall be issued for any of the following, nor shall any of the following uses or any customary accessory buildings or uses be permitted until and unless the location of said uses shall have been applied for and approved of by the Board of Adjustments as set forth in § 154.049:

(1) Cemeteries.

(2) Churches and other accessory buildings for the purpose of recognized religious worship or social purposes.

providing they are located adjacent to an arterial or collector or local street.

(3) Institutions for human medical care: hospitals, clinic sanitariums, convalescent homes, nursing homes, and homes for the aged providing they are located adjacent to an arterial street.

(4) Nursery schools.

(5) Public and parochial schools.

(6) Publicly owned and/or operated parks, playgrounds, golf courses, community recreational centers, including public swimming pools and libraries.

(7) Recreational uses other than those publicly owned and/or operated as follows:

(a) Golf courses

(b) Country clubs

(c) Semi-public swimming pools

(8) Police and fire stations.

(D) Area and height regulations for permitted uses. No building shall be erected or structurally altered hereafter except in accordance with the following regulations:

(1) Minimum lot area, 7,500 square feet.

(2) Minimum lot width, 50 feet.

(3) Minimum front yard depth, 30 feet.

(4) Minimum side yard width on each side of lot, total: 15 feet; one side: five feet.

(5) Minimum rear yard depth, 25 feet.

(6) Maximum building height, 35 feet.

(E) Area and height regulations for conditionally permitted uses. No conditional building and/or use shall be erected or structurally altered hereafter except in accordance with the following regulations:

(1) Minimum lot area, 22,500 square feet.

(2) Minimum lot width, 100 feet.

(3) Minimum front yards, 50 feet.

(4) Side and rear yards, 25 feet.

(5) Maximum building height, 35 feet.

(F) Other development controls.

(1) Off-street parking and loading and unloading shall be provided in accordance with §§ 154.120 through 154.151.

(2) No outdoor storage of any material (usable or waste) shall be permitted in this zone except within enclosed containers.

(3) No lighting shall be permitted which would glare from this zone onto any street, road, highway, deeded right-of-way, or into any adjacent property.

(4) Where any yard of any conditional use permitted in this zone abuts property in a single-family zone, a ten-foot wide screening area as regulated by § 154.052 shall be required. (Ord. O-11-82, passed 11-3-82; Am. Ord. O-22-99, passed 11-3-99; Am. Ord. O-17-2000, passed 10-4-00) Penalty, see § 154.999

#### **§ 154.085 RESIDENTIAL MOBILE HOME PARK ZONE.**

(A) Uses permitted. The following use shall be permitted:

(1) Mobile homes, only.

(B) Accessory uses. The following accessory uses shall be permitted:

(1) Customary accessory buildings and uses.

(2) A dwelling unit for the owner, operator or manager on a site 10,000 square feet in area.

(3) Structures and uses related to and for the exclusive use of residents of the mobile home park as follows, but excluding any commercial operations:

(a) Recreational facilities and areas

(b) Community center

© Laundry facilities

(d) Storage facilities

(4) Fences and walls, as regulated by §§ 154.165 through 154.172.

(5) Signs, as regulated by §§ 154.185 through 154.192.

© Area and height regulations for permitted uses. No building shall be erected or structurally altered hereafter except in accordance with the following regulations:

(1) Minimum site for a mobile home park, ten acres. The width of said park shall have a minimum distance of 300 feet, as measured along a deeded right-of-way. The park may be phased to achieve completion of the 10-acre minimum area through review of the phasing process by the Planning and Zoning Commission.

(2) Minimum lot area, 5,000 square feet provided.

(3) Minimum front yard depth, 20 feet.

(4) Maximum building height, 25 feet.

(5) Minimum setback of all buildings and structures within mobile home parks at all park boundary lines, 30 feet except that the Planning and Zoning Commission may increase or reduce this distance where due to topography, street location, structures on adjacent properties or shape of lot, this distance should or may be revised.

(D) Other development controls.

(1) In a mobile home park in which lots are to be platted the following conditions shall be used.

(a) The minimum side yard on each side of the lot shall be 15 feet.

(b) The minimum rear yard depth shall be 20 feet.

© Not more than one principal building shall be permitted on any lot.

(d) The minimum lot width shall be 50 feet.

(e) Street. All streets within the mobile home park shall be within deeded and accepted public

right-of-way and constructed according to the appropriate subdivision regulations, having a minimum width of 28 feet.

1. Streets shall be provided and placed in the site where necessary to furnish principal trafficways for convenient access to each mobile home and other important facilities in the area.

2. Ingress and egress to the individual lots shall be only over an interior road developed as part of the mobile home park.

(2) In a mobile home park in which lots will not be platted the following conditions shall be used.

(a) The minimum side yard distances between mobile homes shall be at least 15 feet.

(b) The minimum rear yard distance between mobile homes shall be at least 20 feet.

(c) More than one principal building may be permitted on a lot.

(d) The minimum street frontage for each mobile home as measured along a line parallel to and 20 feet from the street shall be 50 feet, except that on culs-de-sac or irregularly shaped lots the Planning and Zoning Commission may vary this required frontage.

(e) All streets within a mobile home park shall be paved with concrete at least six inches thick or the accepted equivalent of gravel and asphaltic concrete (as set forth in the subdivision regulations) to a width of at least 24 feet.

1. Streets shall be provided and placed on the site where necessary to furnish principal trafficways for convenient access to each mobile home and other important facilities in the area.

2. Ingress and egress to the individual lots shall be only over an interior road developed as part of the mobile home park.

3. Turning radius on a street 24 feet wide shall be a minimum of 35 feet.

4. In all other respects, the interior streets shall be built to county specifications regarding curbs, crowns, and drainage as set forth in the subdivision regulations.

(3) A mobile home, including accessory structures, decks, or patios, shall not cover more than 50% of the mobile home site.

(4) A deck or patio slab of at least 180 square feet shall be provided on each mobile home site and conveniently located at the entrance of each mobile home.

(5) Fire hydrant location and types shall be approved by the local fire department prior to construction.

(6) All proposed rules and regulations or deed restrictions shall be submitted with the plans prior to approval and shall be included as a condition to approval.

(7) Not less than 5% of the gross area of the mobile home park shall be set aside, designed, constructed, and equipped as a recreational area. A minimum of  $\frac{1}{2}$ -acre per recreation site shall be provided.

(8) No lighting shall be permitted which would glare from this zone onto any street, road, highway, deeded right-of-way, or into any residential property.

(9) Where any yard in this zone abuts another zone, a 10-foot wide screening area, as regulated by § 154.052, shall be required.

(10) A site plan, as regulated by § 154.052, shall be required for any use in this zone.

(11) Mobile home installations shall comply with all requirements in § 154.062.

(12) Each mobile home must display the county's \$25 decal.

(E) Sale of mobile homes. Sale of new mobile homes for on- or off-site use may be permitted as a conditional use in this zone. The following conditions must be met before consideration of any application will be given:

(1) The site must be in a mobile home park meeting all existing requirements in this zone.

(2) The number of mobile homes for sale or show shall not exceed 10% of the total number, rounded up to the nearest whole number, of available lots in the development.



(3) Each unit for sale must occupy a lot which is equal in size, landscaping and paving to average lot in the development.

(4) No additional outdoor lighting, flags, or pennants shall be permitted to define the units for sale.

(5) One sign for each unit for sale may be placed in front of, or on inside the unit. Said sign shall not be more than three square feet in area.

(6) A general site sign indicating sales may be displayed at the entrance to the site. Said sign shall be a class 8 sign which when added to the area of all other signs identifying the mobile home park, shall not exceed 25 square feet in area. (Ord. O-11-82, passed 11-3-82; Am. Ord. O-5-86, passed 10-1-86; Am. Ord. O-21-87, passed 12-3-87; Am. Ord. O-2-97, passed 3-12-97) Penalty, see § 154.999

#### § 154.086 R-2 (RESIDENTIAL TWO) ZONE.

(A) Permitted uses. The following uses shall be permitted:

- (1) Two-family residential dwellings.
- (2) Multi-family residential dwellings.

(B) Accessory uses. The following accessory uses shall be permitted:

- (1) Customary accessory buildings and uses.
- (2) Fences and walls, as regulated by §§ 154.165 through 154.172.
- (3) Signs, as regulated by §§ 154.185 through 154.192.

©) Conditional uses. The following uses or any customary accessory buildings or uses, subject to the approval of the Board of Adjustments as set forth in §§ 154.049 and 154.262:

- (1) Cemeteries.
- (2) Churches and other accessory buildings for the purpose of recognized religious worship, providing they are located adjacent to an arterial or collector or local street.

(3) Fire and police stations, providing they are located adjacent to an arterial street.

(4) Governmental offices.

(5) Institutions for higher education, providing they are located adjacent to an arterial street.

(6) Institutions for human medical care: hospitals, clinic sanitariums, convalescent homes, nursing homes, and homes for the aged providing they are located adjacent to an arterial street.

(7) Nursery schools.

(8) Public and parochial schools.

(9) Publicly-owned and/or operated parks, playgrounds, golf courses, community recreational centers, including public swimming pools, and libraries.

(10) Recreational uses other than those publicly owned and/or operated, as follows:

- (a) Golf courses
- (b) Country clubs
- ©) Swimming pools

(11) Funeral homes, provided they are located adjacent to an arterial street.

(D) Area and height regulations for permitted uses.

(1) Minimum lot area, 20,000 square feet for the first four dwelling units or less; 4,000 square feet shall be provided for every dwelling unit thereafter. In the case of this zone, more than one principal building, as defined herein, may be permitted on one lot.

(2) Minimum lot width at building setback line, 100 feet.

(3) Minimum front yard depth, 40 feet.

(4) Minimum side yard width on each side of lot, 15 feet.

(5) Minimum rear yard depth, 30 feet.

(6) Maximum building height, 40 feet.

(E) Area and height regulations for conditionally permitted uses.

- (1) Minimum lot area, 22,500 square feet.
- (2) Minimum lot width at building setback line, 150 feet.
- (3) Minimum front, side (on each side of lot), and rear yards, 50 feet.
- (4) Maximum building height, 40 feet.

(F) Other development controls.

(1) Off-street parking and loading and/or unloading shall be provided in accordance with §§ 154.120 through 154.151.

(2) No outdoor storage of any material (usable or waste) shall be permitted in this zone except within enclosed containers.

(3) No lighting shall be permitted which would glare from this zone onto any street or into any adjacent property.

(4) Where any yard of any use permitted in this zone abuts property in a single-family residential zone, a ten-foot wide screening area, as regulated by § 154.052, shall be required.

(5) A site plan, as regulated by § 154.054, shall be required for any use permitted in this zone. (Ord. O-11-82, passed 11-3-82; Am. Ord. O-17-2000, passed 10-4-00) Penalty, see § 154.999

### **§ 154.087 R-3 RESIDENTIAL THREE ZONE.**

(A) Uses permitted. The following uses shall be permitted:

- (1) Multi-family dwellings.
- (2) Two-family dwellings.

(B) Accessory uses. The following accessory uses shall be permitted:

- (1) Customary accessory buildings and uses.
- (2) Fences and walls as regulated by §§ 154.165 through 154.172.

(3) Signs as regulated by §§ 154.185 through 154.192.

(4) Public utility stations, after the approval of the Planning and Zoning Commission.

©) Conditional uses. No building or occupancy permit shall be issued for any of the following, nor shall any of the following uses or any customary accessory buildings or uses be permitted until and unless the location of said use shall have been applied for and approved of by the Board of Adjustments, as set forth in § 154.049:

(1) Cemeteries.

(2) Churches and other accessory buildings for the purpose of recognized religious worship providing they are located adjacent to an arterial or collector or local street.

(3) Institutions for human medical care: hospitals, clinic sanitariums, convalescent homes, nursing homes, and homes for the aged providing they are located adjacent to an arterial street.

(4) Nursery schools.

(5) Public and parochial schools.

(6) Publicly owned and/or operated parks, playgrounds, golf courses, community recreational centers, including public swimming pools and libraries.

(7) Recreational uses other than those publicly owned and/or operated as follows:

- (a) Golf courses
- (b) Country clubs
- ©) Semi public swimming pools
- (8) Police and fire stations.
- (9) Clubs, fraternities, and sororities.

(D) Area and height regulations for permitted uses. No buildings shall be erected or structurally altered hereafter except in accordance with the following regulations:

(1) Minimum lot area, two-family, 22,000 square feet; multi-family, 22,500 square feet for the first

four dwelling units; 2,000 square feet for each additional dwelling unit.

- (2) Minimum lot width, 100 feet.
- (3) Minimum front yard depth, 40 feet.
- (4) Minimum side yard width on each side of lot, ten feet.
- (5) Minimum rear yard depth, 30 feet.
- (6) Maximum building height, 40 feet.

(E) Area and height regulations for conditionally permitted uses. No conditional building and/or use shall be erected or structurally altered hereafter except in accordance with the following regulations:

- (1) Minimum lot area, 22,500 square feet.
- (2) Minimum lot width, 100 feet.
- (3) Minimum front yard, 50 feet.
- (4) Side and rear yard, 25 feet.
- (5) Maximum building height, same as for a conforming lot.

(F) Other development controls.

(1) Off-street parking and loading or unloading shall be provided in accordance with §§ 154.120 through 154.151.

(2) No outdoor storage of any material (usable or waste) shall be permitted in this zone except within enclosed containers.

(3) No lighting shall be permitted which would glare from this zone onto any street, road, highway, deeded right-of-way, or into any adjacent property.

(4) Where any yard of any use permitted in this zone abuts property in a single-family zone, a ten-foot wide screening area as regulated by § 154.052 shall be required.

(5) A site plan, as regulated by § 154.054, shall be required for any use permitted in this zone. (Ord. O-11-82, passed 11-3-82; Am. Ord. O-17-2000, passed 10-4-00) Penalty, see 154.999

#### **§ 154.088 PUD PLANNED UNIT DEVELOPMENT OVERLAY ZONE.**

(A) Purpose. The purposes of the Planned Unit Development (PUD) Overlay Zone are to: promote flexibility in design and permit planned diversification in the relationships between location of and types of uses and structures; promote the advantages of modern large scale site planning for community development through the efficient use of land, facilitating a more economic arrangement of buildings, circulation systems, land uses, and utilities; preserve, to the greatest extent possible, the existing landscape features and amenities, and to utilize such features in a harmonious fashion; provide for more usable and suitably located recreation facilities, other public and common facilities than would otherwise be provided under conventional land development procedures, but always with the intention of furthering the public health, safety, and general welfare.

(B) General. A Planned Unit Development Overlay Zone may be permitted only to be superimposed over any of the Residential ® Zones, provided that all conditions or provisions of this section of the chapter, the applicable requirements of the subdivision regulations, and any additional requirements as may be determined necessary to provide for the most efficient layout of the PUD and its proper integration with the surrounding developments are met; and a public hearing is held on the PUD application.

©) Application and processing. Application for Planned Unit Development Overlay Zone shall be processed as follows in two stages:

(1) Stage I Development plan and zoning map amendment. Application for amendment to PUD Overlay Zone shall include a development plan in accordance with the requirements of division (D).

(a) The Planning and Zoning Commission shall hold a public hearing on the proposed application, in accordance with the requirements of KRS Chapter 424, and review said application with regard to its compliance with the stated purposes of the PUD Overlay Zone, the required elements of the Stage I development plan and other applicable requirements of this section. Upon holding such hearing the Planning and Zoning Commission shall make one of the following recommendations to the legislative body: approval, approval with conditions or disapproval. The Planning and Zoning Commission

shall submit along with their recommendations a copy of the Stage I development plan and the bases for their recommendation.

(b) 1. The legislative body shall, within 45 days after receiving the recommendations of the Planning and Zoning Commission, review said recommendations and take action to approve, or disapprove said PUD application. Such action may incorporate any conditions imposed by the legislative body. However, should the legislative body take action to impose different conditions than were reviewed and considered by the Planning and Zoning Commission, then said conditions shall be resubmitted to the Planning and Zoning Commission, for further review and recommendation in accordance with division (C)(1)(a) of this section. Approval of the PUD Overlay Zone shall require that development be in conformance with the Stage I approval development plan.

2. The legislative body shall forward a copy of the approved development plan, certified as such by said body, to the Planning and Zoning Commission for further processing in accordance with the requirements for Stage II development plan and record plat.

3. Zoning map amendment. Upon approval of the PUD Overlay Zone, the official zoning map shall be amended by adding the prefix "PUD" to the existing Residential (R-1) Zone (for example, PUD-R-1B, PUD-R-1C, and the like) for the area as shown on the Stage I approved development plan.

(2) Stage II Development plan and record plat. A Stage II development plan and record plat shall be developed in conformity with the Stage I approved development plan and in accordance with the requirements of division (E) of this section, and submitted to the Planning and Zoning Commission for its review and approval. Except for the manner of submission and processing, the subdivision regulations may be waived, where applicable, and the requirements of division (E) of this section shall be substituted therefor. Those requirements not specifically waived by the Planning and Zoning Commission shall conform with the subdivision regulations.

(a) 1. The Planning and Zoning Commission shall review the submitted Stage II development plan with regard to its compliance with the required elements of division (E)(1) of this section, for Stage II development plans, other applicable elements of this chapter, other applicable regulations,

and its conformity with the Stage I approved development plan. The Planning and Zoning Commission, in approving the Stage II development plan, may authorize minor adjustments from the Stage I approved development plan, provided that the adjustments do not: affect the spacial relationship of structures, change land uses, increase overall density, alter circulation patterns (vehicular and pedestrian) or decrease the amount and/or usability of open space or recreation areas or affect other applicable requirements of this chapter.

2. Upon Planning and Zoning Commission approval of the Stage II development plan, copy of said plan shall be forwarded to the local zoning administrator, who shall grant permits only in accordance with the Stage II approved development plan and other plans as may be required by this chapter.

(b) 1. Upon approval of the Stage II development plan, the Planning and Zoning Commission shall review the submitted record plat with regard to its compliance with the required elements of division (E)(2), for record plats, the applicable requirements of the subdivision regulations, and its conformity with the Stage II approved development plan.

2. Upon Planning and Zoning Commission approval of the record plat, copies of said plat, certified by the Planning and Zoning Commission, and suitable for recording, shall be forwarded by the Planning and Zoning Commission to the office of the County Clerk to be recorded.

(D) Stage I Development plan requirements. The Stage I development plan shall identify and provide the following information:

(1) Plans of the subject property drawn to a scale not smaller than one inch equals 200 feet showing:

(a) The total area in the project by aerial photograph.

(b) The present zoning of the subject property and all adjacent properties.

(c) All public and private rights-of-way and easement lines located on or adjacent to the subject property which are proposed to be continued, created, enlarged, relocated, or abandoned.

(d) Existing and proposed topography shown by contour with intervals not to exceed five feet.

(e) All existing and proposed housing units on the subject property:

1. Detached housing: Location, arrangement, and number of all lots, including a typical section identifying approximate lot sizes and dimensions, and setbacks and height of buildings.

2. Attached housing: Location, height, and arrangement of all buildings, number of units within each building, and all lot lines with approximate dimensions where applicable.

(f) Location, arrangement, height, and identification of all existing and proposed nonresidential buildings and uses on the subject property.

(g) The amount of area proposed for common open space, including the location and arrangement of recreational facilities, identification of unique natural features to be retained and a statement indicating the means of maintaining all common areas.

(h) Location of proposed pedestrian walkways, identifying type of surfacing and approximate dimensions.

(i) Location of proposed streets identifying approximate dimensions of pavement and right-of-way widths, type of surfacing and approximate grades.



(j) Location of off-street parking, loading and/or unloading and driveway areas, identifying the number of off-street parking spaces to be provided, type of surfacing and approximate dimensions.

(k) Location of all existing and proposed water, sanitary sewer and storm drainage lines, indicating approximate pipe sizes and grades. Indication should also be given regarding the provision of electric and telephone service which shall be required to be installed underground.

(E) Stage II Development plan and record plat requirements. The Stage II development plan and record plat shall conform to the following requirements:

(1) Stage II Development plan.

(a) The applicant shall submit a Stage II development plan, in conformance with the Stage I approved development plan, at a scale not smaller than one inch equals 50 feet, that identifies and provides the following information:

1. The existing proposed finished topography of the subject property shown by contours with intervals not to exceed five feet. Where conditions exist that may require more detailed information on the proposed topography, contours with intervals of less than five feet may be required by the Planning and Zoning Commission.

2. All housing units on the subject property.

a. Detached housing:  
Location, arrangement, and number of all lots, including exact lot dimensions and setbacks, and maximum height of buildings;

b. Attached housing:  
Location, height, and arrangement of all buildings indicating the number of units in each building, and, where applicable, location and arrangement of all lots with exact lot dimensions.

3. Location, height, arrangement, and identification of all nonresidential buildings and uses on the subject property and, where applicable, location and arrangement of all lots with exact lot dimensions.

4. All common open space

areas, including accurate lot dimensions and the location and arrangement of all recreational facilities.

5. Landscaping features, including identification of planting areas and the location, type, and height of walls and fences.

6. Location of signs indicating their orientation and size and height.

7. All utility lines and easements:

a. Water distribution systems including line sizes, width of easements, type of pipe, location of hydrants and valves, and other appurtenances.

b. Sanitary sewer system, including pipe sizes, width of easements gradients, type of pipes, invert elevations, location and type of manholes, the location, type, size of all lift or pumping stations, capacity, and process of any necessary treatment facilities, and other appurtenances.

c. Storm sewer and natural draining system, including pipe and culvert sizes, gradients, location of open drainage courses, width of easements, location and size of inlets and catch basins, location and size of retention and/or sedimentation basins, and data indicating the quantity of storm water entering the subject property naturally, from areas outside the property, the quantity of flow at each pickup point (inlet), the quantity of storm water generated by development of the subject area, and the quantity of storm water to be discharged at various points to areas outside the subject property.

d. Other utilities (for example, electric, telephone, and the like) including the type of service and the width of easements, revealing the underground installation of the wiring.

8. Location of all off-street parking, loading and/or unloading, and driveway areas, including typical cross sections, the type of surfacing, dimensions, and the number and arrangement of off-street parking, and loading and/or unloading spaces.

9. Circulation system:

a. Pedestrian walkways, including alignment, grades, type of surfacing and width.

b. Streets, including

alignment, grades, type of surfacing, width of pavement and right-of-way, geometric details, and typical cross sections.

10. Provisions for control of erosion, hillside slippage, and sedimentation, indicating the temporary and permanent control practices and measures which will be implemented during all phases of clearing, grading, and construction.

11. The schedule of development staging and phasing in accordance with the requirement in division (D) (3) of this section, and as approved in the Stage I approved development plan.

(b) The information required by division (E) (1) (a) 1. through 11. of this section may be combined in any suitable and convenient manner so long as the data required is clearly indicated.

(2) Record plat. The applicant shall submit a record plat, in conformance with the Stage II approved development plan, at a scale not smaller than one inch equals 50 feet. If the record plat is submitted in sections, an index shall be developed showing the entire PUD. The particular number of the section, and the relationship of each adjoining section shall be clearly shown by a small key map on each section submitted. The record plat shall conform to the applicable requirements of the subdivision regulations, unless specifically waived by the Planning and Zoning Commission, and in addition thereto, the following:

(a) All areas reserved for common ownership with an indication of the properties the owners will share in common.

(b) Such lot or parcel lines indicating tracts which are now in separate ownership or which may be transferred to other ownership during or after development. (Resubdivision of large lots containing several buildings may be accomplished at a later date upon application and approval of the Planning and Zoning Commission.)

(c) Indication of areas to be developed for residential (by type of housing unit), commercial, public, and semi-public uses.

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(F) Residential uses and densities. All types of residential housing units (attached and detached) may be permitted within a PUD Overlay Zone, including single-family, two-family, and multi-family units. The density of dwelling units in a PUD shall be

determined by the density (dwelling units per acre) as calculated from the existing Residential (R) Zone superimposed by the PUD Overlay Zone. This density shall be applied to the total project area excluding that land devoted to commercial uses and streets (public and private). Not more than 60% of the total acreage shall be utilized.

(G) Commercial uses.

(1) Commercial uses intended primarily for the service and convenience of residents of the PUD may be permitted within the project area provided a market analysis is made justifying the need for said uses.

(2) The commercial uses shall be grouped in complexes clearly delineated on the Stage I development plan, and may include one or more of the following uses:

(a) Delicatessen, grocery, meat, fruit, or vegetable market

(b) Drug store

(c) Bakery shop

(d) Laundry/dry cleaning, pick-up stations, or self-service facility

(e) Beauty or barber shop

(f) Shoe repair shop

(g) Hardware store

(h) Business or professional office

(i) Clothing store

(j) Restaurant

(k) Bank

(l) Theater

(3) Another use may be substituted on the Stage I approved development plan for a use previously approved providing it is one of the above listed uses and providing said use will not involve any building expansion beyond that approved in the Stage I approved development plan and further providing that said use is approved by the Zoning Administrator, who will obtain the approval of the Planning and Zoning Commission, in writing.



(H) Public and semi-public uses. Public and semi-public structures and uses may be permitted in the PUD. These uses shall be delineated on the Stage I development plan and shall be limited to one or more of the following uses:

- (1) Schools (nursery, elementary, and secondary).
- (2) Churches (parish houses included).
- (3) Community centers, including day care facilities.
- (4) Country clubs.
- (5) Libraries.
- (6) Fire and police stations.
- (7) Open space, recreation areas.

(I) Area requirements. No PUD Overlay Zone shall be permitted on less than 25 acres of land. However, development of a smaller tract adjacent to an existing PUD Overlay Zone, may be permitted, if the proposed development conforms to and extends the original development.

(J) Height, yard, and setback regulations. Requirements shall be as approved in the Stage I development plan.

(K) Off-street parking and loading and/or unloading. Off-street parking and, when applicable, loading and/or unloading shall be provided in accordance with §§ 154.120 through 154.151.

(L) Fences, walls, and signs. The location, height, and type of all fences, walls and signs shall be as approved in the Stage I development plan.

(M) Erosion and sedimentation control. Effective erosion and sedimentation controls shall be planned and applied in accordance with § 154.042.

(N) Common open space; recreation area. At least 20% of the total acreage of the proposed PUD shall be retained as common open space and recreation area, and dedicated to a public and/or private entity for operation and maintenance. Such open space and recreation areas shall be physically situated so as to be readily accessible, available to, and usable by all residents of the PUD. Common open space and recreation area shall be that part of

the total project exclusive of dwellings, streets, parking areas, single-family lots, commercial areas, and other non-open space and non-recreationally oriented facilities.

(O) Amendments. Any amendments to plans shall be made in accordance with the procedure required by this chapter, subject to the same limitations and requirements as those under which such plans were originally approved.

(P) Expiration. Any amendment to PUD Overlay Zone shall be subject to the time constraint, as noted below. Upon expiration of said time period, and any extensions thereto, the legislative body may initiate a request for a public hearing by the Planning and Zoning Commission, in accordance with the requirements of KRS Chapter 100, for the purpose of determining whether said PUD Overlay Zone should revert to its original zoning designation. A public hearing may be initiated if either of the following conditions apply:

(1) A Stage II development plan has not been approved by the Planning and Zoning Commission within a period of 12 consecutive months from the date of the Stage I approved development plan and PUD Overlay Zone amendment by the legislative body; provided that an extension may be permitted upon approval of the legislative body or their duly authorized representative if sufficient proof can be demonstrated that prevailing conditions have not changed appreciably to render the Stage I approved development plan obsolete.

(2) Substantial construction has not been initiated within a period of 12 consecutive months from the date of approval of the Stage II development plan by the Planning and Zoning Commission; provided that an extension may be permitted upon approval of the legislative body or its duly authorized representative if sufficient proof can be demonstrated that the construction was delayed due to circumstances beyond the applicant's control, and that prevailing conditions have not changed appreciably to render the Stage I approved development plan obsolete. The amount of construction constituting initiating substantial construction shall be as approved in the Stage I approved development plan.  
(Ord. 0-11-82, passed 11-3-82) Penalty, see § 154.999

**§ 154.089 RCD RESIDENTIAL CLUSTER DEVELOPMENT OVERLAY ZONE.**

(A) Purpose. The purpose of the Residential Cluster Development (RCD) Overlay Zone is to provide a means whereby clusters of attached and detached single-family residential units may be constructed in the R-1 Single-Family Residential Zones, and therein, through a development plan, permit a wide flexibility in the design, location, siting of buildings, in order to provide for, to the greatest extent possible, the preservation of hillside areas, and other natural geographic and topographic features, and to provide for more usable and suitably located recreation facilities and open space than would otherwise be provided under conventional R-1 Single-Family Residential land development procedures.

(B) General. A Residential Cluster Development Overlay Zone may be permitted only to be superimposed over any of the R-1 Single-Family Residential Zones provided that all conditions on provisions of this section, the applicable requirements of the subdivision regulations, and any additional requirements as may be determined necessary to provide for the most efficient layout of the RCD Zone and its proper integration with the surrounding development are met, and a public hearing is held.

©) Application and processing. Applications for Residential Cluster Development Overlay Zone shall be processed in two stages:

(1) Stage I. Development Plan and Zoning Map Amendment. Applications for amendment to RCD Overlay Zone shall include a development plan in accordance with the requirements of division (D) of this section.

(a) The Planning and Zoning Commission shall hold a public hearing on the proposed application, duly noticed, in accordance with the requirements of KRS Chapter 424, and review said application with regard to its compliance with the stated purposes of the RCD Overlay Zone, the required elements of the Stage I development plan and other applicable requirements of this section. Upon holding such hearing, the Planning and Zoning Commission shall make one of the following recommendations to the legislative body: approval, approval with conditions, or disapproval. The Planning and Zoning Commission shall submit, along with their recommendations, a copy of the Stage I development plan and the bases for their recommendation.

(b) 1. The legislative body shall, within 45 days after receiving the recommendations of the Planning and Zoning Commission, review said recommendations and take action to approve, or disapprove said RCD application. Such action may incorporate any conditions imposed by the legislative body. However, should the legislative body take action to impose different conditions than were reviewed and considered by the Planning and Zoning Commission then said conditions shall be resubmitted to the Planning and Zoning Commission for further review and recommendation, in accordance with division (C)(1)(a) of this section. Approval of the RCD Overlay Zone shall require that development be in conformance with the Stage I approved development plan.

2. The legislative body shall forward a copy of the approved development plan to the Planning and Zoning Commission for further processing, in accordance with the requirements for Stage II development plan and record plat.

3. Zoning map amendment. Upon approval of the RCD Overlay Zone, the official zoning map shall be amended by adding the prefix RCD to the existing Residential ® Zone (for example, RCD-R-1B, RCD-R-1C, and the like) for the area as shown on the Stage I approved development plan.

(2) Stage II development plan and record plat. A Stage II development plan and record plat shall be developed in conformity with the Stage I approved development plan and in accordance with the requirements of division (E) of this section, and submitted to the Planning and Zoning Commission for its review and approval. Except for the manner of submission and processing, the subdivision regulations may be waived, where applicable, and the requirements of division (E) of this section shall be substituted therefor. Those requirements not specifically waived by the Planning and Zoning Commission shall conform with the subdivision regulations.

(a) The Planning and Zoning Commission shall review the submitted Stage II development plan with regard to its compliance with the required elements of division (E)(1) of this section for a development plan, other applicable elements of this chapter and other applicable regulations, and its conformity with the Stage I approved development plan. The Planning and Zoning Commission, in approving the Stage II development plan, may authorize minor adjustments from the Stage I approved development plan, provided that the adjustments do

not affect the special relationships of structures, change land uses, increase overall density, alter circulation patterns (vehicular and pedestrian) or decrease the amount and/or usability of open space or recreation areas, or affect other applicable requirements of this chapter. Upon Planning and Zoning Commission approval of the Stage II development plan, a copy of said plan shall be forwarded to the Zoning Administrator, who shall grant permits only in accordance with the Stage II approved development plan and other regulations as may be required by this chapter.

(b) Upon approval of the Stage II development plan, the Planning and Zoning Commission shall review the submitted record plat, with regard to its compliance with the required elements of division (E)(2) of this section for record plats, the applicable requirements of the subdivision regulations and its conformity with the Stage II approved development plan. Upon Planning and Zoning Commission approval of the record plat, copies of said plat, certified by the Planning and Zoning Commission, and suitable for recording shall be forwarded by the Planning and Zoning Commission to the office of the County Clerk to be recorded.

(D) Stage I development plan requirements. The street development plan shall identify and provide the following information:

(l) Plans of the subject property drawn to a scale not smaller than one inch equals 200 feet showing:

(a) The total area in the project, by aerial photograph.

(b) The present zoning of the subject property and all adjacent properties.

(c) All public and private rights-of-way and easement lines located on or adjacent to the subject property which are proposed to be continued, created, enlarged, relocated, or abandoned.

(d) Existing and proposed topography shown by contour with intervals not to exceed five feet;

(e) All existing and proposed housing units on the subject property:

1. Detached housing: location, arrangement and number of all lots, including a typical section identifying approximate lot sizes and

dimensions, and setbacks and height of buildings.

2. Attached housing: location, height, and arrangement of all buildings, number of units within each building and all lot lines with approximate dimensions where applicable.

(f) Location, arrangement, height and identification of all existing and proposed nonresidential buildings and uses on the subject property;

(g) The amount of area proposed for common open space, including the location and arrangement of recreational facilities, identification of unique natural features to be retained and a statement indicating the means of maintaining all common areas;

(h) Location of proposed pedestrian walkways, identifying type of surfacing and approximate dimensions;

(i) Location of proposed streets identifying approximate dimensions of pavement and right-of-way widths, type of surfacing and approximate grades;

(j) Location of off-street parking, loading, and/or unloading and driveway areas, identifying the number of off-street parking spaces to be provided, type of surfacing and approximate dimensions;

(k) Location of all existing and proposed water, sanitary sewer and storm drainage lines, indicating approximate pipe sizes and grades. Indication should also be given regarding the provision of electric and telephone service which will be required to be installed underground;

(l) Certification from appropriate water and sewer agencies that services will be available;

(m) Landscaping features including identification of planting areas and the location, type, and approximate height of fences and walls;

(n) Location of signs, indicating their orientation and approximate size and height;

(o) Identification of the soil types and geologic formations on the subject property, indicating anticipated problems and proposed method of handling said problems;

(p) A schedule of development,

including the staging and phasing of:

1. Residential areas, in order of priority, by type of dwelling unit;
2. Streets, utilities, and other public facility improvements, in order of priority;
3. Dedication of land to public use or set aside for common ownership; and
4. Nonresidential buildings and uses, in order of priority.

(2) The information required in division (D)(1) above may be combined in any suitable and convenient manner so long as the data required is clearly indicated. A separate plan or drawing for each element is not necessary, but may be provided at the option of the applicant.

(E) Stage II development plan and record plat requirements. The Stage II development plan and record plat shall conform to the following requirements:

(1) Stage II development plan. The applicant shall submit a Stage II development plan, in conformance with the Stage I approved development plan, at a scale not smaller than one inch equals 50 feet, that identifies and provides the following information:

(a) The existing proposed finished topography of the subject property shown by contours with intervals not to exceed five feet. Where conditions exist that may require more detailed information on the proposed topography, contours with intervals of less than five feet may be required by the Planning and Zoning Commission.

(b) All housing units on the subject property:

1. Detached housing: location, arrangement and number of all lots, including exact lot dimensions and setbacks, and maximum height of buildings;

2. Attached housing: location, height, and arrangement of all buildings indicating the number of units in each building and, where applicable location and arrangement of all lots with exact lot dimensions.

©) Location, height, arrangement and

identification of all nonresidential buildings and uses on the subject property and, where applicable, location and arrangement of all lots with exact lot dimensions.

(d) All common open space areas, including accurate lot dimensions and the location and arrangement of all recreational facilities.

(e) Landscaping features, including identification of planting areas and the location, type, and height of walls and fences.

(f) Location of signs indicating their orientation and size and height.

(g) All utility lines and easements:

1. Water distribution systems including line sizes, width of easements, type of pipe, location of hydrants and valves, and other appurtenances;

2. Sanitary sewer system, including pipe sizes, width of easements, gradients, type of pipes, invert elevations, location and type of manholes, the location, type, size of all lift or pumping stations, capacity, and process of any necessary treatment facilities, and other appurtenances;

3. Storm sewer and natural drainage system, including pipe and culvert sizes, gradients, location of open drainage courses, width of easements, location and size of inlets and catch basins, location and size of retention and/or sedimentation basins, and data indicating the quantity of storm water entering the subject property naturally from areas outside the property, the quantity of flow at each pickup point (inlet), the quantity of storm water generated by development of the subject area, and the quantity of storm water to be discharged at various points to areas outside the subject property.

4. Other utilities (for example, electric, telephone, and the like), including the type of service and the width of easements revealing the underground installation of the wiring.

(h) Location of all off-street parking, loading and/or unloading, and driveway areas, including typical cross sections, the type of surfacing, dimensions, and the number and arrangement of off-street parking, and loading and/or unloading spaces.

(i) Circulation system.

1. Pedestrian walkways, including alignment, grades, type of surfacing and width;

2. Streets, including alignment, grades, type of surfacing, width of pavement and right-of-way, geometric details, and typical cross sections.

(j) Provisions for control of erosion, hillside slippage and sedimentation indicating the temporary and permanent control practice and measures which will be implemented during all phases of clearing, grading, and construction; and

(k) The schedule of development staging and phasing in accordance with the requirement in division (D)(1)(p) , and as approved in the Stage I approved development plan.

The information required by division (E)(1)(a) through (k), may be combined in any suitable and convenient manner so long as the data required is clearly indicated.

(2) Record plat. The applicant shall submit a record plat, in conformance with the Stage II approved development plan, at a scale not smaller than one inch equals 50 feet. If the record plat is submitted in sections, an index shall be developed showing the entire RCD. The particular number of the section, and the relationship of each adjoining section shall be clearly shown by a small key map on each section submitted. The record plat shall conform to the applicable requirements of the subdivision regulations, unless specifically waived by the Planning and Zoning Commission, and in addition thereto, the following:

(a) All areas reserved for common ownership with an indication of the properties the owners will share in common;

(b) Such lot or parcel lines indicating tracts which are now in separate ownership or which may be transferred to other ownership during or after development. (Resubdivision of large lots containing several buildings may be accomplished at a later date upon application and approval of the Planning and Zoning Commission.)

©) Indication of areas to be developed for residential (by type of housing unit), commercial, public and semi-public uses.

(F) Residential uses and densities. Attached and

detached single-family dwellings may be permitted within a RCD Overlay Zone. The density of dwelling units in a RCD shall be determined by the density (dwelling units per net acre) as calculated from the existing Residential (R-1) Zone superimposed by the RCD Overlay Zone. This density shall be applied to the total project area excluding that land devoted to streets (private and public).

(G) Public and semi-public uses. Public and semi-public structures and uses may be permitted in the RCD. These uses shall be delineated on the Stage I development plan and shall be limited to one or more of the following uses:

(1) Schools (nursery, elementary, and secondary).

(2) Churches (parish houses included).

(3) Community centers, including day care facilities.

(4) Country clubs.

(5) Libraries.

(6) Fire and police stations.

(H) Area requirements. No RCD Overlay Zone shall be permitted on less than ten acres of land. However, development of a smaller tract adjacent to an existing RCD Overlay Zone, may be permitted, if the proposed development conforms to and extends the original development as if the new area had been a part of the original development.

(I) Height, yard, and setback regulations. Requirements shall be as approved in the Stage I development plan.

(J) Off-street parking and loading and/or unloading. Off-street parking and, when applicable, loading and/or unloading shall be provided in accordance with §§ 154.120 through 154.151.

(K) Fences, walls, and signs. The location, height, and type of all fences, walls and signs shall be as approved in the Stage I development plan.

(L) Erosion and sedimentation control. Effective erosion and sedimentation controls shall be planned and applied in accordance with § 154.042.

(M) Common open space; recreation area. At least 20% of the total acreage of the proposed

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shall be retained as common open space and recreation area, and dedicated to a public and/or

private entity for operation and maintenance. Such open space and recreation areas shall be physically

situated so as to be readily accessible, available to, and usable by all residents of the RCD. Common open space and recreation area shall be that part of the total project exclusive of dwellings, streets, parking areas, single-family lots, commercial areas, and other non-open space and non-recreationally oriented facilities.

(N) Amendments. Any amendments to plans shall be made in accordance with the procedure required by this chapter, subject to the same limitations and requirements as those under which such plans were originally approved.

(O) Expiration. Any amendment to RCD Overlay Zone shall be subject to the time constraint, as noted below. Upon expiration of said time period, and any extensions thereto, the legislative body may initiate a request for a public hearing by the Planning and Zoning Commission, in accordance with the requirements of KRS Chapter 100, for the purpose of determining whether said RCD Overlay Zone should revert to its original zoning designation. A public hearing may be initiated if either of the following conditions apply:

(1) A Stage II development plan has not been approved by the Planning and Zoning Commission within a period of 12 consecutive months from the date of the Stage I approved development plan and RCD Overlay Zone amendment by the legislative body; provided that an extension may be permitted upon approval of the legislative body or their duly authorized representative if sufficient proof can be demonstrated that prevailing conditions have not changed appreciably to render the Stage I approved development plan obsolete.

(2) Substantial construction has not been initiated within a period of 12 consecutive months from the date of approval of the Stage II development plan by the Planning and Zoning Commission; provided that an extension may be permitted upon approval of the legislative body or their duly authorized representative if sufficient proof can be demonstrated that the construction was delayed due to circumstances beyond the applicant's control, and that prevailing conditions have not changed appreciably to render the Stage I approved development plan obsolete. The amount of construction constituting initiating substantial construction shall be as approved in the Stage I approved development plan.

(Ord. O-11-82, passed 11-3-82) Penalty, see § 154.999

## **§ 154.090 INST INSTITUTIONAL ZONE.**

(A) Permitted uses. The following uses shall be permitted:

(1) Churches and other accessory buildings for the purpose of recognized religious worship, provided they are located adjacent to an arterial or collector or local street.

(2) Dormitories, fraternity houses, and sorority houses, when associated with a permitted use located in this zone.

(3) Educational and medical related research facilities.

(4) Institutions for higher education.

(5) Institutions for human medical care: hospitals, clinics, sanitariums, convalescent homes, nursing homes, and homes for the aged.

(6) Libraries.

(7) Medical offices.

(8) Governmental buildings.

(9) Museums or art galleries.

(10) Nursery schools and day care centers.

(11) Publicly-owned and/or operated parks, playgrounds, golf courses, community recreation centers, and swimming pools.

(12) Recreational uses other than publicly owned and/or operated, as follows: golf courses, swimming pools, tennis courts.

(13) Police and fire stations.

(14) Public and parochial schools.

(15) Vocational, trade schools, or other specialized educational facilities.

(B) Accessory uses. The following accessory uses shall be permitted:

(1) Customary accessory buildings and uses.

(2) Fences and walls regulated by §§ 154.165 through 154.172.

(3) Signs, as regulated by §§ 154.185 through 154.192.

(4) Uses as listed below provided in conjunction with a permitted use, primarily as a convenience to its occupants, its customers, patients, and employees, and located within the same building as the permitted use:

- (a) Restaurant or cafeteria
- (b) Book store
- © Gift shop
- (d) Florist
- (e) Medical and educational supply store
- (f) Pharmacy

©) Area and height regulations for permitted uses. Requirements shall be in accordance with the approved site plan, as provided for in division (D)(4) of this section and § 154.054. In the case of this zone, more than one principal building, as defined herein, may be permitted on one lot.

(D) Other development controls.

(1) Off-street parking and loading and/or unloading facilities shall be provided in accordance with §§ 154.120 through 154.151.

(2) No outdoor storage of any material (usable or waste) shall be permitted in this zone except within enclosed containers.

(3) No lighting shall be permitted which would glare from this zone onto any street, or into any adjacent property.

(4) No building shall be erected, or structurally altered, nor shall any grading take place on any lot or parcel in the Institutional Zone until a site plan layout has been submitted and approved in accordance with § 154.054.

(5) A minimum of 20% of the total acreage of each site for a permitted use shall be set aside for

open space use, exclusive of streets, parking areas, and buildings.

(Ord. O-11-82, passed 11-3-82; Am. Ord. O-17-2000, passed 10-4-00) Penalty, see § 154.999

#### **§ 154.091 MLU MIXED LAND USE ZONE.**

(A) Purpose. The purpose of the Mixed Land Use (MLU) Zone is to provide for the combining of offices, hotels, and motels, and residential uses with secondary retail and service uses within a planned development. Such development is intended to be designed to provide for an internally oriented group of activities which are functionally integrated relative to land uses, vehicular and pedestrian circulation, and the arrangement of structures. In addition, the intent of the zone is to promote flexibility in design and planned diversification in the relationships between location of and types of uses and structures; promote the advantages of modern large scale site planning for community development through the efficient use of land, facilitating a more economic arrangement of buildings, circulation systems, land uses, and utilities; preserve, to the greatest extent possible, the existing landscape features, and amenities, and to utilize such feature in a harmonious fashion; provide for more usable and suitably located open space facilities and common facilities than would otherwise be provided under conventional land development procedures, but always with the intention of furthering the public health, safety, and general welfare.

(B) General. A Mixed Land Use Zone may be permitted provided that all conditions or provisions of this section, the applicable requirements of the subdivision regulations, and any additional requirements as may be determined necessary to provide for the most efficient layout of the MLU Zone and its proper integration with the surrounding development are met; and a public hearing is held on the MLU application.

©) Application and processing. Applications for Mixed Land Use Zone shall be processed as follows in two stages:

(1) Stage I. Applications for a map amendment to zone an area for Mixed Land Use (MLU) shall be accompanied by a development plan, in accordance with the Stage I plan requirements, provided for within division (O) of this section. If an area, however, is zoned MLU at the time the original zoning for the area is established (through annexation) the submission of the Stage I development plan for review by the Planning and Zoning Commission and the

legislative body, shall not be required until the area is proposed to be developed.

(a) The Planning and Zoning Commission shall hold a public hearing on the proposed application (development plan Stage I and where applicable, the zoning map amendment), in accordance with the requirements of KRS Chapter 424, and review said application with regard to its compliance with the stated purposes of the MLU Zone, the required elements of the Stage I plan and other applicable requirements of this section. Upon holding such hearing, the Planning and Zoning Commission shall make one of the following recommendations to the legislative body: approval, approval with conditions, or disapproval. The Planning and Zoning Commission shall submit, along with their recommendations, a copy of the Stage I plan and the bases for their recommendation.

(b) 1. The legislative body shall, within 45 days after receiving the recommendations of the Planning and Zoning Commission, review said recommendations and take action to approve, or disapprove said MLU application. Such action may incorporate any conditions imposed by the Planning and Zoning Commission. However, should the legislative body take action to impose different conditions than were reviewed and considered by the Planning and Zoning Commission, then said conditions shall be resubmitted to the Planning and Zoning Commission for further review and recommendation, in accordance with division (C)(1)(a) of this section. Approval of the MLU Zone shall require that development be in conformance with the Stage I approved plan.

2. The legislative body shall forward a copy of the approved plan to the Planning and Zoning Commission for further processing, in accordance with the requirement for Stage II plan and record plat.

3. Zoning map amendment. Upon approval of the MLU Zone, the official zoning map shall be amended by designating the area as identified in the application or as shown on the Stage I approved plan as MLU.

(2) Stage II plan and record plat.

(a) A Stage II plan and record plat shall be developed in conformance with the Stage I approved plan and in accordance with the requirements of § 154.088(E)(1) and (2), and submitted to the Planning and Zoning Commission

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legislative body for its review and approval. Except for the manner of submission and processing, the subdivision regulations may be waived, where applicable, and the requirements of §154. shall be substituted therefor. Those requirements not specifically waived by the Planning and Zoning Commission shall conform with the subdivision regulations.

1. The Planning and Zoning Commission shall review the submitted Stage II plan with regard to its compliance with the required elements of § 154. , for Stage II plans, other applicable elements of this chapter and other applicable regulations, and its conformity with the Stage I approved plan. Minor adjustments for the Stage I approved plan may be permitted, provided that the adjustments do not change land uses, increase overall density, significantly alter circulation patterns (vehicular and pedestrian) or decrease the amount and/or usability of open space or recreation areas, or conflict with other applicable requirements of this chapter (for example, parking requirements). The Planning and Zoning Commission, upon completion of its review of proposed Stage II plan, shall make one of the following recommendations to the legislative body: approval, approval with conditions, or disapproval. The Planning and Zoning Commission shall submit along with their recommendations, a copy of the Stage II plan and the bases for their recommendations.

2. a. The legislative body shall, within 45 days after receiving the recommendations of the Planning and Zoning Commission, review said recommendations and take action to approve or disapprove the Stage II plan. Such action may incorporate any conditions imposed by the Planning and Zoning Commission. However, should the legislative body take action to impose different conditions than were reviewed and considered by the Planning and Zoning Commission, then said conditions shall be resubmitted to the Planning and Zoning Commission for further review and recommendation, in accordance with division (C)(2)(a) of this section.

b. Upon approval of the Stage II plan, by the legislative body, a copy of said plan shall be forwarded to the Zoning Administrator, who shall grant permits only in accordance with the Stage II approved plan and other regulations, as may be required by this chapter; and the Planning and Zoning Commission.

3. Upon approval of the Stage II plan, the Planning and Zoning Commission shall review the submitted final plat, if applicable, with



regard to its compliance with the required elements of § 154.088(E)(2) for record plats, the applicable requirements of the subdivision regulations and its conformance with the Stage II approved plan.

(b) Upon Planning and Zoning Commission approval of the final plat, copies of said plat, certified by the Planning and Zoning Commission, and suitable for recording shall be forwarded by the Planning and Zoning Commission to the office of the County Clerk to be recorded.

(D) Permitted uses.

(1) One or more of the following uses may be permitted. Said uses shall be clearly delineated on the Stage I and II plans:

(a) Offices and research laboratories, excluding industrial laboratory facilities.

(b) Hotels and motels.

(c) Restaurants, sit down only.

(d) Residential, including single-family attached and detached, two-family and multi-family.

(e) Learning for continuing education programs.

(2) Accessory uses. One or more of the following accessory uses may be permitted:

(a) Customary accessory buildings and uses.

(b) Retail and service uses, as listed below, may be included as part of the development, provided said uses are entered from within any of the permitted uses listed above or are developed as an integral part of the proposed development. Said uses shall be internally oriented to the development and shall serve as a convenience to any of the occupants thereof, their patients, as a convenience to the client or customers, and further provided that no exterior advertising signs shall be visible from outside the area of the approved development:

1. Apparel shop

2. Art and art supplies

3. Bakery and bakery goods store, provided the products are sold exclusively on the premises

4. Banks and other financial institutions, including savings, loan, and finance companies

5. Barber and beauty shops

6. Book, stationery, or gift shops

7. Camera and photographic supplies

8. Candy store, soda fountain, ice cream store, excluding drive-ins

9. Drug store

10. Eating and drinking places, including entertainment facilities

11. Florist shop

12. Glass, china, or pottery store

13. Haberdashery

14. Health spas

15. Hobby shop

16. Interior decorating studio

17. Jewelry store, including repair

18. Leather goods, and luggage store

19. Music, musical instruments and records, including incidental repair

20. Opticians and optical goods

21. Package liquor and wine store

22. Post office

23. Shoe store with incidental shoe repair

24. Sporting goods

25. Studios for professional work or teaching of any form of fine arts, photography, music, drama, or dance

26. Tailor shop

## 27. Toy store

(E) Public and semi-public uses. Public and semi-public structures and uses may be permitted in the MLU Zone. These uses shall be delineated on the plan and shall be limited to one or more of the following uses:

- (1) Schools (nursery, elementary, and secondary).
- (2) Churches.
- (3) Community centers, including day care facilities.
- (4) Country clubs.
- (5) Libraries.
- (6) Fire or police stations.
- (7) Open space/recreation areas.
- (8) Governmental offices.

(F) Area requirements. No MLU Zone shall be permitted on less than 25 acres of land. However, development of a small tract adjacent to an existing MLU Zone may be permitted, if the proposed development conforms to and extends the original development as if the new area had been a part of the original development.

(G) Access shall be provided to the site via a major arterial or collector street, as identified within the locally adopted Comprehensive Plan.

(H) Height, yard, and setback regulations. Requirements shall be as approved in the plan.

(I) Off-street parking and loading and/or unloading. Off-street parking and when applicable, loading and/or unloading facilities, shall be provided in accordance with §§ 154.120 through 154.151.

(J) Fences, walls, and signs. The location, height, and type of all fences, walls, and signs shall be as approved in the plan.

(K) Erosion and sedimentation control. Effective erosion and sedimentation controls shall be planned and applied in accordance with § 154.042.

(L) Open space/recreation area. At least 20%

of the total acreage of the proposed MLU development shall be retained as open space or recreation areas. Such open space/recreation areas shall be physically situated so as to be readily accessible, available to, and usable by all activities with the MLU development. Open space and recreation areas shall be that part of the total project exclusive of parking areas, access drives, and streets.

(M) Amendments. Any amendments to plans, except for the minor adjustments which may be permitted by the Planning and Zoning Commission, shall be made in accordance with the procedure required by division ©) of this section.

(N) Expiration. Development plans within the MLU Zone shall be subject to the time constraints, as noted below. Upon expiration of said time period and any extensions thereto, the legislative body may initiate a request for a public hearing by the Planning and Zoning Commission, in accordance with the requirements of KRS Chapter 100, for the purpose of determining the appropriateness of the approved development plan. A public hearing may be initiated if either of the following conditions apply:

(1) Stage II plan has not been approved by the Planning and Zoning Commission within a period of 24 consecutive months from the date of the Stage I approved plan, except as agreed upon for the phasing of development by the legislative body; provided that an extension may be permitted upon the approval of the legislative body or their duly authorized representative if sufficient proof can be demonstrated that prevailing conditions have not changed appreciably to render the Stage I approved plan obsolete.

(2) Substantial construction has not been initiated within a period of 12 consecutive months from the date of approval of the Stage II plan by the Planning and Zoning Commission; provided that an extension may be permitted upon approval of the legislative body or its duly authorized representative, if sufficient proof can be demonstrated that the construction was delayed due to circumstances beyond the applicant's control, and that prevailing conditions have not changed appreciably to render the Stage I approved plan obsolete. The amount of construction constituting initiating substantial construction shall be as approved in the State II approved plan.

(O) Development plan requirements.

(1) Stage I plan requirements. The Stage

I plan shall identify and provide the following information drawn to a scale not smaller than one inch equals 100 feet:

(a) General.

1. The total area in the project;
2. The present zoning of the subject property and all adjacent properties;
3. All public and private rights-of-way and easement lines located on the subject property;
4. Existing topography, shown by contour with intervals not to exceed five feet;
5. General description (text or map) of the proposed phasing of development;
6. General location of proposed streets;
7. A conceptual diagram (except for Phase I of the proposed project, which must meet the requirements as defined herein) indicating the anticipated location of the various proposed land uses within each phase of development (including open space as required by division (L) of this section) and the approximate number of acres to be utilized by each type of land use.

(b) Phase I. The Phase I portion of submitted Stage I plan shall provide at a minimum:

1. Location of structures and the description of the proposed development (office, hotel, retail commercial, residential, and the like) to be located within the Phase I portion of the project;
2. The estimated gross floor area and/or number of rooms and/or the density of residential development of the various activities within the Phase I portion of the project;
3. Approximate height of the proposed structures within the Phase I portion of the project.

©) Subsequent phases of development shall be reviewed by the Planning and Zoning Commission and the legislative body to determine the conformance of such plans to the approved Stage I plan. Plans for subsequent development of the area may be submitted for initial review in the same form

as was required for Phase I of the development, with subsequent review as a Stage II plan, or as a direct application for Stage II review with such detail as is required by such a submission.

(2) Stage II. The Stage II plan shall be prepared in accordance with the requirements of §154.088(E). (Ord. 0-11-82, passed 11-3-82) Penalty, see § 154.999

**§ 154.092 NC NEIGHBORHOOD COMMERCIAL ZONE.**

(A) Uses permitted. The following retail sales and service businesses supplying commodities and performing services for the residents of the surrounding neighborhood:

- (1) Apparel shop.
- (2) Art supplies.
- (3) Bakery and bakery goods store provided the products are sold exclusively on the premises.
- (4) Banks and other financial institutions including savings, loan, and finance companies with drive-in windows.
- (5) Barber and beauty shop.
- (6) Billiard or pool hall.
- (7) Book, stationery, or gift shop.
- (8) Camera and photographic supplies.
- (9) Candy store, soda fountain, ice cream store, excluding drive-ins.
- (10) Delicatessen.
- (11) Drug store.
- (12) Dry cleaning and laundry pick-up station.
- (13) Eating and drinking places, excluding drive-ins.
- (14) Flea market.
- (15) Florist shop.

- |  |   |
|--|---|
| (16) Food services and supermarkets.                                       | service car wash.   |
| (17) Furniture store.  | (42) Shoe store and shoe repair.  |
| (18) Garden supplies.  | (43) Single- and two-family residential uses, provided that such uses occupy the second or third floor or attached to the rear of a commercial use.   |
| (19) Glass, china, or pottery store.                                       | (44) Sporting goods.  |
| (20) Haberdashery.   | (45) Studios for professional work or teaching of any form of fine arts, photography, music, drama, or dance.   |
| (21) Hardware store.   | (46) Tailor shop.   |
| (22) Health spas.  | (47) Toy store.   |
| (23) Hobby shop.   | (48) Variety store, including notions and "Five and Ten" stores.  |
| (24) Household and electrical appliance store including incidental repair. | (B) Accessory uses. The following accessory uses shall be permitted:  |
| (25) Interior decorating studio.   | (1) Customary accessory uses.   |
| (26) Jewelry store, including repair.                                      | (2) Fences and walls as regulated by §§ 154.165 through 154.172.  |
| (27) Laundromats and self-service washing and drying.                      | (3) Signs as regulated by §§ 154.185 through 154.192.   |
| (28) Leather goods and luggage store.                                      | ©) Conditional uses. No building or occupancy permit shall be issued for any of the following, nor shall any of the following uses or any customary accessory buildings or uses be permitted until and unless the location of said use shall have been applied for and approved of by the Board of Adjustments as set forth in § 154.049.   |
| (29) Library.  | (1) Service stations (including auto repairing, providing all repair except that of a minor nature (for example, change of fan belt, minor carburetor adjustment, tire removal and/or replacement, windshield wiper replacement, and the like) is conducted wholly within a completely enclosed building and providing further that such service station is located adjacent to an arterial street as identified in the county adopted Comprehensive Plan). |
| (30) Locksmith shop.   | (D) Area and height regulations. No building shall be erected or structurally altered hereafter except in accordance with the following regulations:  |
| (31) Music, musical instruments, and records including incidental repair.  | (1) Minimum lot area, one acre.   |
| (32) Offices.  |   |
| (33) Off-street parking lots and/or garages.                               |   |
| (34) Opticians and optical goods.  |   |
| (35) Package liquor and wine store.  |   |
| (36) Paint and wallpaper store.  |   |
| (37) Pet shop, excluding boarding and outside runs.                        |   |
| (38) Police and fire stations.   |   |
| (39) Post office.  |   |
| (40) Radio and television store (including repair).                        |   |
| (41) Self-service gasoline station and self-                               |   |

(2) Minimum lot width, 100 feet.

(3) Minimum front yard depth, 50 feet; except when abutting an arterial street, then there shall be 100 feet.

(4) Minimum side yard width. Restrictions when adjacent to a street, road, highway, or other right-of-way when the required width shall be the same as required for a minimum front yard depth in this zone. When the buildings abut each other, firewall construction, as required by the county's building code, shall be required. A side yard is never to be less than 15 feet.

(5) Minimum rear yard depth, 50 feet.

(6) Maximum building height, 40 feet.

(7) In the case of this zone more than one principal building, as herein defined, may be constructed on one lot.

(E) Other development controls.

(1) Off-street parking and loading or unloading shall be provided in accordance with §§ 154.120 through 154.151.

(2) No outdoor storage of any material (usable or waste) shall be permitted in this zone except within enclosed approved containers.

(3) No lighting shall be permitted which would glare from this zone onto any street, road, highway, deeded right-of-way, or into any residential zone.

(4) Where any yard of any use permitted in this zone abuts a residential zone, a minimum yard requirement of 50 feet for each side and/or rear yard which abuts said zone shall be provided, ten feet of which shall be maintained by a screening area, as regulated by § 154.052.

(5) No use producing objectionable odors, noise, or dust shall be permitted within 500 feet from the boundary of any residential zone.

(6) All business activities permitted within this zone shall be conducted within a completely enclosed building with the exception of off-street parking and loading and/or unloading areas.

(7) A site plan, as regulated by § 154.054, shall be required for any use permitted in this zone. (Ord. 0-11-82, passed 11-3-82; Am. Ord. 0-11-89, passed 8-16-89) Penalty, see § 154.999

#### **§ 154.093 HC HIGHWAY COMMERCIAL ZONE.**

(A) Uses permitted. The following retail sales and service businesses shall be permitted:

(1) Automobile, motorcycle, and truck sales, new or used.

(2) Automotive service and repairs providing that all business activities shall be conducted within a completely enclosed building.

(3) Banks and other financial institutions including savings, loan, and finance companies, with drive-in windows.

(4) Barber shops.

(5) Beauty shops.

(6) Boat and other marine equipment sales and service, new and used.

(7) Bowling alley.

(8) Eating and drinking places including drive-ins.

(9) Flea market.

(10) Hotels and motels.

(11) Mobile home and trailer sales, rental and service (new and used).

(12) News and confectionery stands.

(13) Off-street parking lots and garages.

(14) Police and fire stations.

(15) Skating rinks, golf driving ranges, miniature and par-three golf courses.

(16) Veterinary clinics and animal hospitals.

(17) Theater, drive-in.

(18) Service station.

(19) Single- and two-family residential uses, provided that such uses occupy the second or third floor or attached to the rear of a commercial use. In the case of this use, more than one principal use may be constructed on one lot.

(20) Kennel.

(21) Floor covering warehouse and retail sales.

(B) Accessory uses. The following accessory uses shall be permitted:

(1) Customary accessory buildings and uses.

(2) Fences and walls as regulated by §§ 154.165 through 154.172.

(3) Signs as regulated by §§ 154.185 through 154.192.

(4) Swimming pools, indoor and outdoor in connection with motel or hotel.

(5) Uses as listed below included within and entered from within, any building as a convenience to the occupants thereof, and their customers providing that the accessory uses shall not exceed 10% of the gross floor area of the permitted uses in the building and no exterior advertising displays for any accessory uses shall be visible from outside the building.

(a) Barber shop

(b) Beauty shop

(c) News and confectionery stand

©) Area and height regulations. No building shall be erected or structurally altered hereafter, except in accordance with the following regulations:

(1) Minimum lot area, one acre.

(2) Minimum lot width, 100 feet.

(3) Minimum front yard depth, 50 feet.

(4) Minimum side yard width on each side of lot. Restrictions when adjacent to a street, road, highway, or other right-of-way when the required width shall be the same as required for a minimum front yard depth in this zone. When buildings abut each other, firewall construction, as required by the county's building code, shall be required. A side yard is never to be less than 15 feet.

(5) Minimum rear yard depth, 25 feet.

(6) Maximum building height, 40 feet.

(D) Other development controls.

(1) Off-street parking and loading or unloading shall be provided in accordance with §§ 154.120 through 154.151.

(2) No outdoor storage of any material (usable or waste) shall be permitted in this zone except within enclosed approved containers.

(3) No lighting shall be permitted which would glare from this zone onto any street, road, highway, deeded right-of-way or into any adjacent property.

(4) Where any yard of any use permitted in this zone abuts a residential zone, a minimum yard requirement of 50 feet for each side and/or rear yard which abuts said zone shall be provided, ten feet of which shall be maintained by a screening area as regulated by § 154.052.

(5) A site plan as regulated by § 154.054 shall be required for any use in this zone.

(6) No use producing objectionable odors, noise, or dust shall be permitted within 500 feet from the boundary of any residential zone.

(7) Off-street parking and loading and/or unloading areas may be located in front and side yard areas in this zone provided that no off-street parking areas shall be closer than 15 feet to the street, road, highway or right-of-way line or the boundary line of any adjacent district. This 15 foot area shall remain open and unobstructed except by items specifically permitted in yard areas in this chapter.  
(Ord. 0-11-82, passed 11-3-82; Am. Ord. 0-4-84, passed

3-3-84; Am. Ord. 0-20-88, passed 9-21-88; Am. Ord. 0-3-97, passed 3-12-97) Penalty, see § 154.999

**§ 154.094 PO PROFESSIONAL OFFICE BUILDING ZONE.**

(A) Uses permitted. The following uses shall be permitted:

(1) Banks and other financial institutions including loan, savings and finance companies with drive-in windows.

(2) Clinics, medical or dental.

(3) Offices.





- (4) Off-street parking lots and/or garages.
- (5) Police and fire stations.
- (6) Post office.
- (7) Medical and dental laboratory.

(B) Accessory uses. The following accessory uses shall be permitted:

- (1) Customary accessory buildings and uses.
- (2) Fences and walls as regulated by §§ 154.165 through 154.172.
- (3) Signs as regulated by §§ 154.185 through 154.192.
- (4) Uses as listed below included within and entered from within any office building as a convenience to the occupants thereof, their patients, clients, or customers providing that the accessory uses shall not exceed 10% of the gross floor area of the permitted uses in the building and no exterior advertising displays for any of the accessory uses shall be visible from outside the building:
  - (a) A prescription pharmacy.
  - (b) Barber shop.
  - (c) Beauty shop.
  - (d) Coffee shop or refreshment stand.
  - (e) News and confectionery stands.
  - (f) Eating and drinking places.

©) Area and height regulations. No building shall be erected or structurally altered hereafter except in accordance with the following regulations:

- (1) Minimum lot area, one acre.
- (2) Minimum lot width, 100 feet.
- (3) Minimum front yard depth, 50 feet.
- (4) Minimum side yard width, 15 feet.
- (5) Minimum rear yard depth, 25 feet.
- (6) Maximum building height, 40 feet.

(D) Other development controls.

(1) Off-street parking and loading and/or unloading shall be provided in accordance with §§ 154.120 through 154.151.

(2) No outdoor storage of any material (usable or waste) shall be permitted in this zone except within enclosed containers.

(3) No lighting shall be permitted which would glare from this zone onto any street, road, highway, deeded right-of-way, or into any adjacent property.

(4) Where any yard or any use permitted in this zone abuts a residential zone, a minimum yard requirement of 50 feet for each side and/or rear yard which abuts said zone shall be provided, 10 feet of which shall be maintained by a screening area as regulated by § 154.052.

(5) A site plan as regulated by § 154.054 shall be required for any use in this zone.

(6) No use producing objectionable odors, noise, or dust shall be permitted within 500 feet from the boundary of any residential zone.

(7) All business activities permitted within this zone shall be conducted within a completely enclosed building with the exception of off-street parking and loading and/or unloading areas. (Ord. 0-11-82, passed 11-3-82) Penalty, see § 154.999

#### **§ 154.095 NSC NEIGHBORHOOD SHOPPING CENTER ZONE.**

(A) Uses permitted. The following retail sales or service businesses shall be permitted:

- (1) Apparel shop.
- (2) Art supplies.
- (3) Bakery and bakery goods store, provided the products are sold exclusively on the premises.
- (4) Banks and other financial institutions including savings, loan, finance companies, with drive-in windows.
- (5) Barber shops.

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- (6) Beauty shops.
  - (7) Billiard or pool hall.
  - (8) Book, stationery, or gift shop.
  - (9) Camera and photographic supplies.
  - (10) Candy, soda fountain, and ice cream stores, except drive-ins.
  - (11) Delicatessen.
  - (12) Drug store.
  - (13) Dry cleaning and laundry pickup stations.
  - (14) Eating and drinking places except drive-ins.
  - (15) Florist shop.
  - (16) Food store and supermarket.
  - (17) Furniture store.
  - (18) Garden supplies.
  - (19) Glass, china, or pottery store.
  - (20) Haberdashery.
  - (21) Hardware store.
  - (22) Health spas.
  - (23) Hobby shop.
  - (24) Household and electrical appliance store including incidental repair.
  - (25) Interior decorating studio.
  - (26) Jewelry store, including repair.
  - (27) Laundromats, self-service washing and drying.
  - (28) Leather goods and luggage store.
  - (29) Library.
  - (30) Locksmith shop.
  - (31) Music, musical instruments and records store, including incidental repair.
  - (32) Offices.
  - (33) Off-street parking lots and garages.
  - (34) Opticians and optical goods.
  - (35) Package liquor and wine store.
  - (36) Paint and wallpaper store.
  - (37) Pet shops excluding boarding and outside runs.
  - (38) Police and fire stations.
  - (39) Post offices.
  - (40) Radio and television store including repair.
  - (41) Shoe store and shoe repair.
  - (42) Sporting goods.
  - (43) Studios for professional work or teaching of any form of fine arts, photography, music drama, or dance.
  - (44) Tailor shop.
  - (45) Toy store.
  - (46) Variety store including notions and "Five and Ten" stores.
  - (47) Car wash.
  - (48) Service station.
  - (49) Electro-mechanical game center.
- (B) Accessory uses. The following accessory uses shall be permitted:
- (1) Customary accessory buildings and uses.
  - (2) Fences and walls as regulated by §§ 154.165 through 154.172.
  - (3) Signs as regulated by §§ 154.185 through 154.192.

©) Area and height regulations. No building shall be erected or structurally altered except in accordance with the following regulations:

(1) Minimum building site area, five acres and shall abut a deeded right-of-way. In the case of this zone (NSC) more than one principal building, as defined herein, may be permitted to be constructed within the minimum building site area.

(2) Minimum yard requirements, 50 feet for each front, side (on each side of the building), and rear yards except where the lot abuts a major arterial, as identified in the county's adopted Comprehensive Plan, then there shall be a minimum yard requirement of 100 feet.

(3) Maximum building height, 40 feet.

(D) Other development controls.

(1) Off-street parking and loading or unloading shall be provided in accordance with §§ 154.120 through 154.151.

(2) No outdoor storage of any material (usable or waste) shall be permitted in this zone except within enclosed approved containers.

(3) No lighting shall be permitted which would glare from this zone onto any street, road, highway, deeded right-of-way, or into any adjacent property.

(4) Where any yard of any use permitted in this zone abuts land in any residential zone a ten-foot wide screening area as regulated by § 154.052 shall be provided.

(5) A site plan as regulated by § 154.054 shall be required for any use in this zone.

(6) No use producing objectionable odors, noise, or dust shall be permitted within 500 feet from the boundary of any residential zone.

(7) All business activities permitted within this zone shall be conducted within a completely enclosed building with the exception of off-street parking and loading and/or unloading areas. (Ord. 0-11-82, passed 11-3-82) Penalty, see § 154.999

#### § 154.096 SC SHOPPING CENTER ZONE.

(A) Uses permitted. The following retail and

service businesses shall be permitted:

(1) Advertising agencies.

(2) Antique shops.

(3) Apparel shops.

(4) Art supplies.

(5) Car wash.

(6) Automotive parts and accessories store, new.

(7) Automotive service and repair.

(8) Bakery and bakery goods store, provided the products are sold exclusively on the premises.

(9) Banks and other financial institutions including savings, loan and finance companies, with drive-in windows.

(10) Barber shops.

(11) Beauty shops.

(12) Billiard or pool hall.

(13) Book, stationery or gift shops.

(14) Bowling alley.

(15) Business or professional college.

(16) Bus station.

(17) Camera and photographic supplies.

(18) Candy store, soda fountain, ice cream store, excluding drive-ins.

(19) Carpet and rug store.

(20) Clinics, medical or dental.

(21) Clubs (including businessmen's, YMCA, and YWCA)

(22) Delicatessen store.

(23) Department store.

(24) Drug store.

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| <p>station.</p> <p>(25) Dry cleaning and laundry pickup</p> <p>taverns.</p> <p>(26) Eating and drinking places, and</p> <p>(27) Employment agencies.</p> <p>(28) Florist shop.</p> <p>(29) Food store and supermarket.</p> <p>(30) Furniture store.</p> <p>(31) Garden supplies.</p> <p>(32) Glass, china or pottery store.</p> <p>(33) Haberdashery.</p> <p>(34) Hardware store.</p> <p>(35) Health clinics and health spas.</p> <p>(36) Hobby shop.</p> <p>(37) Household and electrical appliance store including incidental repair.</p> <p>(38) Interior decorating store.</p> <p>(39) Jewelry store including repair.</p> <p>(40) Laboratories, medical and dental.</p> <p>(41) Laundromats, self-service washing and drying.</p> <p>(42) Leather goods and luggage store.</p> <p>(43) Library.</p> <p>(44) Locksmith shop.</p> <p>(45) Music, musical instruments, and record stores including repair.</p> <p>(46) Office appliances and supplies.</p> <p>(47) Offices.</p> <p>(48) Off-street parking lots and/or garages.</p> <p>(49) Opticians and optical goods.</p> <p>(50) Package liquor and wine store.</p> | <p>(51) Paint and wallpaper store.</p> <p>(52) Pet shops excluding boarding and outside runs.</p> <p>(53) Police and fire stations.</p> <p>(54) Post office.</p> <p>(55) Radio and television store including repair.</p> <p>(56) Shoe store and shoe repair.</p> <p>(57) Sporting goods.</p> <p>(58) Studios for professional work on teaching of any form of fine arts, photography, music, drama, or dance.</p> <p>(59) Tailor shop.</p> <p>(60) Theaters, excluding drive-ins.</p> <p>(61) Toy store.</p> <p>(62) Travel bureau.</p> <p>(63) Variety stores including notions and "Five and Ten" stores.</p> <p>(64) Service station.</p> <p>(65) Electro-mechanical game center.</p> <p>(B) Accessory uses. The following accessory uses shall be permitted:</p> <p>(1) Customary accessory uses.</p> <p>(2) Fences and walls as regulated by §§ 154.165 through 154.172.</p> <p>(3) Signs as regulated by §§ 154.185 through 154.192.</p> <p>©) Area and height regulations. No building shall be created or structurally altered except in accordance with the following regulations:</p> <p>(1) Minimum building site area, 15 acres. (In the case of this zone (SC) more than one principal building, as defined herein, may be permitted to be constructed within the minimum building site area).</p> |
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(2) Minimum yard requirements, 50 feet for each front, side (on each side of the building site) and rear yards.

(3) Maximum building height, 40 feet.

(D) Other development controls.

(1) Off-street parking and loading and/or unloading shall be provided in accordance with §§ 154.120 through 154.151.

(2) No outdoor storage of any material (usable or waste) shall be permitted in this zone except within enclosed approved containers.

(3) No lighting shall be permitted which would glare from this zone onto any street, road, highway, deeded right-of-way, or into any residential zone.

(4) Where any yard of any use permitted in this zone abuts a residential zone, a ten-foot wide screening area, as regulated by § 154.052 shall be provided.

(5) No use producing objectionable odors, noise, or dust shall be permitted within 500 feet from the boundary of any residential zone.

(6) All business activities permitted within this zone shall be conducted within a completely enclosed building with the exception of off-street parking and loading and/or unloading areas.

(7) A site plan, as regulated by § 154.054, shall be required for any permitted use in this zone. (Ord. 0-11-82, passed 11-3-82) Penalty, see § 154.999

#### **§ 154.097 RURAL COMMERCIAL.**

(A) Uses permitted. The following uses shall be permitted:

- (1) Auto repair shops.
- (2) Bakery.
- (3) Bank.
- (4) Barber and beauty shops.
- (5) Drug store.

(6) Restaurants and taverns excluding drive-ins.

(7) Farm equipment, sales and service.

(8) Food stores.

(9) Grain, feed, and seed stores, including sales of fertilizers, garden supplies, and the like.

(10) Hardware store.

(11) Lumber companies.

(12) Offices.

(13) Paint and wallpaper store.

(14) Plumber's office and sales of fixtures.

(15) Police and fire station.

(16) Post office.

(17) Tobacco warehouses.

(18) Contractor's offices and storage areas.

(19) Service stations.

(20) Veterinarian offices including small and large animal clinics.

(21) Flea market.

(22) Single- and two-family residential uses, provided that such uses occupy the second or third floor or attached to the rear of a commercial use. In the case of this use, more than one principal use may be constructed on one lot.

(23) Automotive repair and sale of new parts.

(B) Accessory uses. The following accessory uses shall be permitted:

(1) Customary accessory uses.

(2) Fences and walls as regulated by §§ 154.165 through 154.172.

(3) Signs as regulated by §§ 154.185 through 154.192.

©) Area and height regulations. No building shall be erected or structurally altered hereafter

except in accordance with the following regulations:

- (1) Minimum lot area, one acre.
- (2) Minimum lot width, 100 feet.
- (3) Minimum front yard depth, 50 feet.

(4) Minimum side yard width. Restrictions when adjacent to a street or other right-of-way when the required width shall be the same as required for a minimum front yard depth in this zone. When buildings abut each other, firewall construction, as required by the county's building code, shall be required. A side yard is never to be less than 15 feet.

- (5) Minimum rear yard depth, 40 feet.
- (6) Maximum building height, 40 feet.

(D) Conditional uses.

(1) No building or zoning permit nor certificate of occupancy shall be issued for any of the following uses, nor shall any of the following uses or any customary accessory buildings or uses in connection therewith be permitted until and unless the location of said uses, as determined and set forth in a development plan conforming with the requirements for site plans established by § 154.054 shall have been reviewed and approved by the Board of Adjustments, and a conditional use permit in accordance with § 154.049 issued therefor:

- (a) Automobile sales, new and used.

(2) No such conditional use shall be permitted until and unless the following performance criteria are fully met:

(a) Any lot containing such conditional use shall contain a minimum of one acre of land.

(b) Each such conditional use shall be separated from any residential zone by a landscaped side yard in accordance with division (E) below.

©) In addition to the front yard requirements established by division ©) above, each such conditional use shall have a landscaped area extending from the minimum setback line of the property a minimum of 50 feet to the start of the paved area intended or used for display of vehicles for sale.

(d) No flashing lights, streamers, or lights strung on overhead wires or lines shall be permitted. All signs shall be in conformance with the requirements of §§ 154.185 through 154.192.

(e) Vehicles offered for sale in or upon such conditional use shall be limited to standard passenger automobiles and light trucks having a gross vehicle weight rating (G.V.W.R.) of one ton or less. Sale of motorcycles, either new or used, shall not be permitted.

(E) Other development controls.

(1) Off-street parking and loading or unloading shall be provided in accordance with §§ 154.120 through 154.151.

(2) No outdoor storage of any material (usable or waste) shall be permitted in this zone except with the enclosed approved containers.

(3) No lighting shall be permitted which would glare from this zone onto any street, road, highway, deeded right-of-way, or into any residential zone.

(4) Where any yard of any use permitted in this zone abuts a residential zone, a minimum yard requirement of 50 feet for each side and/or rear yard which abuts said zone shall be provided, ten feet of which shall be maintained by a screening area, as regulated by § 154.052.

(5) No use producing objectionable odors, noise, or dust shall be permitted within 500 feet from the boundary of any residential zone.

(6) All business activities permitted within this zone shall be conducted within a completely enclosed building with the exception of off-street parking, loading, or unloading areas.

(7) A site plan, as regulated by § 154.054, shall be required for any use permitted in this zone. (Ord. 0-11-82, passed 11-3-82; Am. Ord. 0-6-87, passed 3-4-87; Am. Ord. 0-2-98, passed 3-4-98) Penalty, see § 154.999

## § 154.098 I-1 INDUSTRIAL ONE ZONE.

(A) Uses permitted. The following uses are permitted providing all uses are in compliance with the performance standards as set forth in § 154.205.

- (1) Except for those that decompose by

detonation, the manufacturing, compounding, processing, packing, or assembling of the following uses:

(a) Candy and confectionery products, food and beverage products except the rendering or refining of fats and oils and excluding poultry and animal slaughtering and dressing.

(b) Cigars and cigarettes.

(c) Cosmetics, pharmaceuticals, and toiletries, compounding only.

(d) Animated and/or illuminated billboards and other commercial advertising structures.

(e) Electric appliances, television sets, phonographs, household appliances.

(f) Electrical machinery, equipment and supplies.

(g) Fountain and beverage dispensing equipment.

(h) Furniture.

(i) Instruments for professional, scientific, photographic, and optical use.

(j) Metal products, and metal finishing excluding the use of blast furnaces or drop forges.

(k) Musical instruments, toys, novelties, jewelry, rubber or metal stamps, sporting and athletic equipment.

(l) Office equipment.

(m) Pottery and figurines, using only previously pulverized clay and kilns fired only with gas or electricity.

(n) Textile products including asbestos products, canvas and burlap, clothing, cotton products, hosiery and knitting mills, rope, and twine.

(o) Dairy products and related items.

(p) Glass products, made of purchased glass.

(q) Jewelry, silverware and plated ware, kitchen ware.

(r) Leather products, excluding tanning and finishing.

(s) Craftsman and artisan shapes, taxidermy, blacksmith, welding shops.

(t) Marine warehousing, sales and service.

(u) Nurseries.

(2) Brewing or distilling of liquors and bottling the product.

(3) Building materials, sales yards, excluding mixing and blending operations.

(4) Crating services.

(5) Freight terminals.

(6) Governmentally owned and/or operated city, county, and state garages.

(7) Industrial engineering consultant offices.

(8) Laboratories, offices, and other facilities for research, both basic and applied, conducted by or for an industrial organization or concern, whether public or private.

(9) Machine shops.

(10) Printing, engraving, and related reproduction processes.

(11) Public utilities right-of-way and pertinent structures.

(12) Publishing and distribution of books, newspapers, and other printed materials.

(13) Railroad facilities exclusive of marshalling yards, maintenance, and fueling facilities.

(14) Schools for industrial or business training.

(15) Truck terminals.

(16) Warehousing or wholesaling.

(17) Marine warehousing, sales, and service; and nurseries.

(B) Accessory uses. The following accessory uses shall be permitted;

(1) Customary accessory buildings and uses including operations required to maintain or support any use permitted in this zone on the same lot as the permitted use, such as maintenance shops, power plants, and machine shops.

(2) Fences and walls as regulated by §§ 154.165 through 154.172.

(3) Signs as regulated by §§ 154.185 through 154.192.

(4) Uses, as listed below, including within and entered from within any use permitted in this zone as a convenience to the occupants thereof, and their customers providing such accessory uses shall not exceed 10% of the gross floor area of the permitted uses in the building and no exterior advertising displays shall be visible from outside the building.

(a) Cafeterias

(b) Coffee shops or refreshment stands

(c) Soda or dairy bars

(C) Area and height regulations. No building shall be erected or structurally altered hereafter except in accordance with the following regulations:

(1) Minimum lot area, two acres.

(2) Minimum lot width, 150 feet.

(3) Minimum front yard depth, 75 feet.

(4) Minimum side yard width on each side of lot, 25 feet.

(5) Minimum rear yard depth, 25 feet.

(6) Maximum building height, 50 feet.

(D) Other development controls.

(1) Off-street parking and loading or unloading shall be provided in accordance with §§ 154.120 through 154.151.

(2) No lighting shall be permitted which would glare from this zone onto any street, road,

highway, deeded right-of-way, or into any adjacent property.

(3) Where any yard of any use permitted in this zone abuts a residential zone, a minimum yard requirement of 50 feet for each rear yard which abuts said zone shall be provided, ten feet of which shall be maintained by a screening area as regulated by § 154.052.

(4) A site plan as regulated by § 154.054 shall be required for any use in this zone. (Ord. 0-11-82, passed 11-3-82; Am. Ord. 0-12-87, passed 6-17-87) Penalty, see § 154.999

### § 154.099 I-2 INDUSTRIAL TWO ZONE.

(A) Uses permitted. The following uses are permitted providing all uses are in compliance with the performance standards as regulated in § 154.205.

(1) Except for those that decompose by detonation, the manufacturing, compounding, processing, packing, or assembling of the following uses shall be permitted:

(a) Acetylene, butane, and bottled gas, including bulk storage.

(b) Asphalt and asphalt products.

(c) Brewing and distilling of liquors.

(d) Brick, tile, or terra cotta.

(e) Candy and confectionery products, food, and beverage products, including the rendering or refining of fats and oils.

(f) Cement, concrete, and concrete products.

(g) Chemicals, including ammonia, bleach, bluing, calcimine, chlorine, corrosive acid, or alkali dyes.

(h) Cigars and cigarettes.

(i) Cosmetics, pharmaceuticals, and toiletries.

(j) Animated and/or illuminated billboards and other commercial advertising structures.

(k) Electric appliances, television sets,



phonographs, household appliances.

(l) Electrical and non-electrical machinery, equipment, and supplies.

(m) Fertilizer, gypsum, lime or plaster of paris.

(n) Fountain and beverage dispensing equipment.

(o) Furniture.

(p) Instruments of professional, scientific, photographic, and optical use.

(q) Iron, steel, aluminum, foundry or forge works and heavy weight casting.

(r) Lumber mills and storage yards.

(s) Lampblack.

(t) Metal, metal finishing, and metal products, including the use of blast furnaces or drop forges.

(u) Musical instruments, toys, novelties, jewelry, rubber or metal stamps.

(v) Office equipment.

(w) Oil cloth or linoleum.

(x) Paint, oil, shellac, turpentine, lacquer, varnish, gasoline.

(y) Paper, paperboard, pulp.

(z) Petroleum refining and products, including bulk storage.

(aa) Plastic and plastic products.

(bb) Pottery and figurines.

(cc) Products from the following previously prepared materials: paper, glass, cellophane, leather, feathers, fur, precious or semi-precious metals, hair, horn, shell, tin, steel, wood, plastics, rubber, bone, cork, felt, fibers, yarn, wool, tobacco.

(dd) Rolling mills.

(ee) Rubber and rubber products.

(ff) Soap and soap products.

(gg) Stone and monument works employing power driven tools.

(hh) Vinegar and yeast.

(ii) Gravel including storage.

(2) Bag, carpet, and rug cleaning.

(3) Bottling and canning works.

(4) Bulk storage stations.

(5) Busline shops and storage.

(6) Carting express, hauling or storage yards.

(7) Coal, coke, or wood yards.

(8) Contractors offices and accessory storage yards including storage of general construction equipment and vehicles.

(9) Crating services.

(10) Flour mills.

(11) Forge plants.

(12) Foundries.

(13) Governmentally owned and/or operated city, county or state garages, including sanitary landfill sites.

(14) Laundries and dry cleaning plants involving laundering and dry cleaning of articles delivered to the premises by commercial vehicles.

(15) Machine shops, heavy type industries.

(16) Plating plants.

(17) Processing of junk, waster, discarded or salvaged materials, machinery, or equipment, including automobile wrecking or dismantling.

(18) Public utilities rights-of-way and pertinent structures.

(19) Railroad facilities including passengers, and freight terminals, marshalling yards, maintenance shops, and round house.

(20) Trucking terminals.

(21) Schools for industrial or business training.

(22) Warehousing or wholesaling.

(B) Accessory uses. The following accessory uses shall be permitted:

(1) Customary accessory buildings and uses including operations required to maintain or support any use permitted in this zone on the same lot as the permitted use, such as maintenance shops, power plants, and machine shops.

(2) Fences and walls as regulated by §§ 154.165 through 154.172.

(3) Signs as regulated by §§ 154.185 through 154.192.

(4) Uses, as listed below, including within and entered from within any use permitted in this zone as a convenience to the occupants thereof, and their customers providing such accessory uses shall not exceed 10% of the gross floor area of the permitted uses in the building and no exterior advertising displays shall be visible from outside the building.

(a) Cafeterias

(b) Coffee shops or refreshment stands.

(c) Soda or dairy bars.

(5) Paved display lot with a distinctively defined area, (i.e. automotive sales area), provided such display lot is required by state regulation to maintain or support a state licensed automotive recycling dealer facility involved in the processing of automotive junk, waste, discarded, or salvaged materials, machinery, or equipment, including automobile wrecking or dismantling. Such paved display lot shall not exceed 3,000 square feet in total area.

©) Area and height regulations. No building shall be erected or structurally altered hereafter except in accordance with the following regulations:

(1) Minimum lot area within tract, two acres.

(2) Minimum lot width, 150 feet.

(3) Minimum front yard depth, 75 feet.

(4) Minimum side yard width, 25 feet; 50 feet is required where a side yard abuts a street, road, highway, or deeded right-of-way.

(5) Minimum rear yard depth, 50 feet.

(6) Maximum building height, 50 feet.

(D) Other development controls.

(1) Off-street parking and loading or unloading shall be provided in accordance with §§ 154.120 through 154.151.

(2) No lighting shall be permitted which would glare from this zone onto any street, road, highway, deeded right-of-way, or into any adjacent property.

(3) Where any yard of any use permitted in this zone abuts a residential zone, a minimum requirement of 50 feet for a rear yard which abuts said zone shall be provided, ten feet of which shall be maintained by a screening area as regulated by § 154.052.

(4) A site plan as regulated by § 154.054 shall be required for any use in this zone. (Ord. O-11-82, passed 11-3-82; Am. Ord. O-24-99, passed 12-1-99; Am. Ord. O-20-03, passed 11-18-03) Penalty, see § 154.999

## **§ 154.100 INDUSTRIAL MINING (IM) OVERLAY ZONE.**

(A) Purpose. The purposes of the Industrial Mining (IM) Overlay Zone are to: permit mining, excavation or extraction operations of existing natural resources located within the rural areas of the county (designated with the non-urban service area on the Comprehensive Plan); permit the treatment, processing and manufacturing of such natural resources; and provide adequate regulation and control of such activity to ensure that it does not adversely impact the environment and/or surrounding uses, with the intention of furthering the public health, safety, and general welfare.

(B) General. An Industrial Mining (IM) Overlay Zone is a district of special interest (KRS 100.203(1)(e)) to the proper development of the county. In accordance with the recommendations of the Comprehensive Plan, this overlay zone may be permitted to be superimposed over the Agricultural-One (A-1) Zone and HC Highway Commercial, only. Further, the IM Overlay Zone may not be superimposed on the zones listed above unless all conditions and provisions of this section of the chapter are met, and a public hearing is held on the IM application.

(C) Application and processing. Application for an Industrial Mining Overlay Zone shall be processed in two stages, as follows:



(1) Stage I plan. Application for amendment to an IM Overlay Zone shall include a development plan, in accordance with the requirements of a Stage I plan established in division (I) of this section and the criteria established in division (D) of this section. The application shall then be processed as follows:

(a) The Planning and Zoning Commission shall hold a public hearing on the proposed application in accordance with the requirements of KRS Chapter 424, and review said application with regard to its compliance with the stated purpose of the IM Overlay Zone, the required elements of the Stage I plan established in division (I) of this section, the criteria for evaluation of an IM Overlay Zone in division (D) of this section, and other applicable requirements of this section. Upon holding such hearing, the Planning and Zoning Commission shall make one of the following recommendations to the legislative body: approval, approval with conditions, or disapproval. The Planning and Zoning Commission shall submit along with its recommendations a copy of the Stage I plan and the bases for its recommendations.

(b) 1. The legislative body shall, within 45 days after receiving the recommendations of the Planning and Zoning Commission, review said recommendation and take action to approve or disapprove said IM application. Such action may incorporate any conditions imposed by the Planning and Zoning Commission. However, should the legislative body take action to impose different conditions than were reviewed and considered by the Planning and Zoning Commission, then said conditions shall be resubmitted to the Planning and Zoning Commission for further review and recommendation in accordance with division (C)(1)(a) of this section. Approval of the IM Overlay Zone shall require that development be in conformance with the Stage I approved plan.

2. The legislative body shall forward a copy of the approved plan to the Planning and Zoning Commission for further processing in accordance with the requirements for Stage II plan.

3. Zoning map amendment. Upon approval of the IM Overlay Zone, the official zoning map shall be amended by adding the prefix "IM" to the existing underlying zone (for example, IM-A-1) for the area as shown on the Stage I approved plan.

(2) Stage II plan. A Stage II plan shall be developed in conformance with the Stage I approved plan and in accordance with the requirements of division (J) of this section, and submitted to the Planning and Zoning Commission for its review and approval as follows:

(a) The Planning and Zoning Commission shall review the submitted Stage II plan with regard to its compliance with the required elements of division (J) of this section, the criteria in division (E) of this section, other applicable elements of this chapter, and other applicable regulations, and its conformity with the Stage I plan. The Planning and Zoning Commission, in approving the Stage II plan, may authorize minor adjustments from the Stage I approved plan.

(b) Upon Planning and Zoning Commission approval of the Stage II plan, a copy of said plan shall be forwarded to the Zoning Administrator who shall grant permits only in accordance with the Stage II approved plan and other regulations as may be required by this chapter.

(D) Criteria for evaluation of an IM Overlay Zone. The criteria established in this section are to be used as a basis in reviewing any application for amendment to an IM Overlay Zone. The criteria are as follows:

(1) A positive finding shall be made in regard to the following factors:

(a) The proposed application is in agreement with the planning unit's Comprehensive Plan.

(b) The area proposed for the IM Overlay Zone consists of a minimum size of 100 acres. However, development of a smaller tract adjacent to an existing IM Overlay Zone may be permitted if the proposed development conforms to and extends the original development.

(c) Sufficient research, testing, and other data to establish the actual existence of the natural resource for the property in question and that it is feasible to mine/extract said resource according to modern technical methods.

(2) Consideration shall also be given to the following factors:

(a) Compatibility of the proposed operation with the surrounding area. Compatibility

shall be reviewed in terms of impact on the environment (such as, visual, noise, or air pollution, dust, and the like), the intensity of the use in relation to the general character of the surrounding area, and the ability to maximize compatibility and protect adjacent property owners by proposed design features (such as, provision of screening and/or earth berms, utilization of existing natural features, and the like).

(b) The proposed operation would not require the provision of urban services (for example, centralized water and sanitary sewers, and the like) in an area that is not planned for such services.

(c) The amount of traffic that would be generated by the proposed operation, including trucks, employees, and the like, which highways would be utilized, and the ability of the existing highway system to adequately handle said traffic. Where deficiencies exist, proposed traffic improvements that would correct such deficiencies may be considered. Also, utilization of other means of transportation, such as air, water, and rail, and its effect on the surrounding areas should be considered.

(E) Criteria for evaluation of a Stage II plan. The following criteria shall be used as a basis for reviewing a Stage II plan:

(1) The plan shall comply with the requirements of the Stage II plan and with other applicable sections of this chapter (for example, off-street parking requirements, industrial performance standards, and the like).

(2) The location of all above-ground operations shall be a minimum of 200 feet from any property boundary of the IM Zone and 200 feet from any existing residence (an existing residence includes any structure being occupied for ordinary living purposes; it does not include a residential structure that has been permanently abandoned).

(3) Subsurface activities may not be permitted where they would endanger above-ground uses permitted in the underlying zone, such as, residential or agricultural uses.

(4) Internal access roads should be located in accordance with the following:

(a) Access roads for trucks and/or employees (if the number of employees is substantial) should be via major arterial streets, to discourage the generation of large volumes of traffic on rural roads

that are not designed for such purposes; and

(b) Access to potentially dangerous operations (for example, blasting, open excavated pit, and the like) should be designed to prevent access by the innocent and/or curious traveler.

(F) Permitted uses. The following uses are permitted in the IM Overlay Zone, in accordance with an approved Stage II plan.

(1) Sand, gravel, rock, clay, shale, stone, and other mineral excavation, excluding coal, oil, gas, and other similar minerals that have potential fire or other safety hazards.

(2) Treatment, processing, and manufacturing of products from the raw natural resource permitted in division (F)(1) above, including washing and screening plants, cement and lime manufacturing, dryers, rock crushers, asphalt and/or concrete batching and mixing plants, warehousing operations and facilities necessary for rail and river barging operations.

(3) Fire and police stations.

(4) Any permitted use in the underlying zone.

(5) Transportation facilities developed in conjunction with another permitted use in this overlay zone, as listed below:

(a) Landing fields for light aircraft.

(b) Barge docking facilities.

(c) Rail facilities.

(d) Trucking terminals, related to exchange or distribution with other modes of transportation.

(G) Accessory uses. Customary accessory buildings and uses are permitted in conjunction with any permitted or conditional use in this zone (for example, maintenance shops, offices, power plants, cafeterias, and the like).

(H) Height, yard, and setback regulations.

(1) Requirements as to height of structures, size of yards and setbacks, on the peripheral of the IM Zone and between various proposed uses and structure shall be as approved in the Stage II plan,

but in no event shall any above-ground operations be located closer than 200 feet from any property boundary of the IM Zone. In determining maximum height requirements, the Planning and Zoning Commission shall consider the type of operation and process proposed, and alternative methods of operation and processing that are available, to establish a reasonable requirement in each specific situation.

(2) In determining size of yards and setback requirements, the Planning and Zoning Commission shall consider the distance necessary to ensure safety (such as adequate space for vehicular access, fire protection, and the like) and to minimize any adverse impacts on the environment.

(I) Stage I plan requirements. The Stage I plan shall include the following information:

(1) A map of the subject property, drawn to scale, indicating the extent of the property to be rezoned for the IM Overlay Zone. The scale of the map shall be at the largest scale reasonable, in light of the total amount of property involved, but in no case shall the scale be smaller than one inch equals 1,000 feet. (For example, a smaller scale would be 1 inch = 1200 feet; a larger scale would be 1 inch = 600 feet). Property to be rezoned may include property owned in fee simple or property for which mineral rights have been obtained.

(2) A statement identifying the types of mining to be conducted on the property. Said statement shall be supported by sufficient research indicating the actual existence of the natural resources and the feasibility to mine/extract said resource according to modern technical methods.

(3) The general identification of areas to be used for surface, and for subsurface mining including a statement, if applicable, of any conditions or contingencies which could affect a change in these general locations.

(4) The general location of all above-ground activities that exist and will be continued (such as, a single-family residence) or proposed activities (such as processing operations, transportation facilities, and the like), including approximate heights and location of proposed buildings and structures.

(5) A statement indicating which modes of transportation will be used to provide access to the operations, and to ship/deliver incoming and outgoing

goods and products.

(6) A statement as to the type and timing of reclamation programs that will be used in surface-mined areas.

(7) An indication of natural resource reserves and estimates as to the number of years the natural resource will last.

(J) Stage II plan requirements.

(1) The Stage II plan is the detailed plan which, when approved, authorizes the issuance of zoning and building permits. This plan may be submitted in phases, as development is to occur, or it may be submitted for the entire development at one time. The Stage II plan shall include the following information:

(a) A map of the entire property zoned IM, indicating which portions of the area are to be developed.

(b) Plans of the subject property drawn to a scale not smaller than one inch equals 100 feet that identify and provides the following information:

1. The specific location, and description of, all proposed surface mining areas and above-ground activities.

2. The location, height, arrangement, and identification of all buildings, structures, and surface uses of land (including off-street parking and loading/unloading areas). The existing and proposed topography, shown by contour intervals not to exceed five feet, shall be included for these areas.

3. Location of signs indicating their orientation, size, and height.

4. All existing utility lines and easements to be utilized by the proposed development and the location, line sizes, width of easement of any proposed new lines or extensions.

5. Location and type of all transportation facilities including the location of all new streets, rail lines, aircraft landing fields, barge docking facilities or other facility. This information shall include grades, right-of-way, dimensions, type of surfacing, alignment, typical cross sections, and the like.

6. Provision for control of erosion, hillside slippage, and sedimentation, indicating the temporary and permanent control practices and measures which will be implemented during all phases of clearing, grading, and construction.

©) A map of the subject property drawn to a scale not smaller than one inch equals 600 feet, indicating areas where subsurface mining will occur.

(2) Other requirements of this chapter (for example, §§ 154.120 through 154.151 governing number of spaces, type of surfacing, and the like for off-street parking and loading/unloading areas) should be included on the Stage II plan as applicable.

(K) Off-street parking and loading and/or unloading. Off-street parking and loading and/or unloading facilities shall be provided in accordance with §§ 154.120 through 154.151.

(L) Fences, walls, and signs. The location, height, and type of all fences, walls, and signs shall be as approved in the plan.

(M) Erosion and sedimentation control. Effective erosion and sedimentation controls shall be planned and applied in accordance with § 154.042.

(N) Reclamation. All reclamation plans shall be subject to the regulations of the Department for Natural Resources and Environmental Protection, where applicable. In addition, plans for reclamation shall provide for the following:

(1) All earthen banks shall be left with a slope no greater than two feet horizontal to one foot vertical.

(2) The type and number per acre of trees, shrubs, ground cover, or legumes to be planted shall be approved by the Planning and Zoning Commission in consultation with the County Agricultural Extension Agent and according to the following guidelines:

(a) The objective in revegetation is to stabilize the area as quickly as possible after it has been disturbed. Plants that will give a quick, protective cover and enrich the soil shall be given priority. These plants should be considered only as a tool in obtaining productive land use and not the end result.

(b) Appropriate revegetation shall be

seeded and/or planted as soon after grading as possible, provided that seeding and/or planting shall be performed in the proper season in accordance with accepted agricultural and reforestation practices.

©) When planting is completed, the operator shall file a copy of the planting report with the Planning and Zoning Commission on a form to be furnished by the Division of Reclamation.

(d) The Planning and Zoning Commission, finding that some flexibility is required in the administration of regulations, where special conditions warrant, may provide for exceptions to the regulation, consistent with the requirements of the Division of Reclamation. All such exceptions shall be presented to the Planning and Zoning Commission for its approval or rejection.

(e) On all lands disturbed during the course of operation, the entire disturbed area shall be fertilized, seeded, and planted to legumes, perennial grasses, and trees, except as hereinafter provided.

1. Roads shall be seeded to legumes and perennial grasses only, no trees being required. This vegetative requirement for roads may be modified if, in the opinion of the Planning and Zoning Commission, the roadway will not contribute serious off-site damage to the public or to adjacent property owners.

2. On very stony areas that cannot be hand planted without difficulty, direct seeding of trees will be permitted by the Planning and Zoning Commission.

3. Shrubs for wildlife may be planted to include border plantings, clump planting and intervening strips, at a six-foot by six-foot spacing. These plantings shall not exceed 20% of the total area planted.

4. Where a seam or stratum of solid rock makes vegetation impractical, none shall be required.

(f) Inspection and evaluation for vegetative cover shall be made as soon as it is possible to determine if a satisfactory stand has been established. In no instance shall this vegetative cover check be made until just prior to or after the completion of the first growing season.

(g) Annual grasses and small grains shall be considered only as a tool in establishing



temporary vegetative cover for restoration. These types of annuals shall not be evaluated in the determination of vegetative cover.

(h) Standards for legumes and perennial grasses. There shall be established at least a 70% ground cover. Bare areas shall not exceed 1/4-acre (100 feet by 100 feet) in size nor total more than 30% of the area seeded.

(3) The location of all future public improvements shall be determined in consultation with the county engineer and the Planning and Zoning Commission.

(4) Restoration of areas shall begin as soon as possible and except for areas in constant use, within one year after they have been disturbed. All required restoration shall be completed within one year of final extraction.

(O) Pollution, blasting, and solid waste disposal. All operations permitted within the IM Overlay Zone must comply with the performance standards for industrial zones in § 154.205. In addition, all operations must comply with all regulations of each applicable division of the Kentucky Department for Natural Resources and Environmental Protection.

(P) Amendments. Any amendments to the Stage I plan, except for the minor adjustments which may be permitted by the Planning and Zoning Commission, shall be made in accordance with the procedure required by this chapter, subject to the same limitations and requirements as those under which such plan was originally approved.

#### (Q) Appeals.

(1) Any decision made by the Planning and Zoning Commission with respect to the Stage II plan that is considered a question of interpretation of the zoning code may be appealed, as an administrative review, to the Board of Adjustments. Such appeal shall be taken within 60 days of the date of the decision.

(2) All other decisions made by the Planning and Zoning Commission, with respect to the Stage II plan or otherwise, shall be appealed to the county circuit court, in accordance with KRS 100.347.

(R) Establishment of nonconforming use. In the event that an amendment to the zoning code, or a new zoning code, is subsequently adopted which would make any mining operations approved under

this zone a nonconforming use, the scope and area of said mining operations shall be defined as the area and extent of operations approved in the Stage I plan.

(S) Noncompliance. Failure to comply with reclamation plans, solid waste disposal plans, other performance standards, or other terms of the Stage II plan establishes the basis for the Zoning Administrator and/or Planning and Zoning Commission to initiate a procedure to revoke existing permits and/or prevent the issuance of new permits until compliance is achieved. Said procedure shall be as follows:

(1) The Zoning Administrator or Planning and Zoning Commission shall notify the property owner/developer of the activity that is not in compliance, including a general statement of what is necessary to bring the activity into compliance. The property owner/developer shall have ten days to respond to the notification and to indicate what steps he intends to take to bring the activity into compliance.

(2) If immediate compliance is achieved, or if the steps to achieve compliance are approved by the Zoning Administrator (or Planning and Zoning Commission if it initiated this action), then no further action will be taken, provided the approved steps are complied with (if applicable).

(3) If compliance is not achieved in accordance with division (S)(2) of this section, then the Zoning Administrator or Planning and Zoning Commission shall initiate a public hearing in accordance with the requirements of KRS Chapter 424, and written notice of the meeting shall be sent to the property owner/developer, by certified mail at least seven days prior to the hearing.

(4) At the public hearing, the property owner/developer shall have the opportunity to present his reasons for noncompliance. Based on the information presented, the Planning and Zoning Commission may modify the requirements that are being violated, or, the Planning and Zoning Commission may continue the effect of said requirements and revoke any existing permits or bar the issuance of any new permits, until compliance is achieved.

(T) Expiration. Any zoning map amendment to the IM Overlay Zone shall not be subject to expiration for failure to comply with reclamation plans, solid waste disposal plans, other performance standards, or other terms of the Stage II plan.

(Ord. 0-11-82, passed 11-3-82; Am. Ord. O-13-04, passed 6-16-04) Penalty, see § 154.999

**§ 154.101 I-4 INDUSTRIAL RIVER ZONE.**

(A) Purpose. It is the purpose of this zone to provide for industrial activities that orient towards the use of its river, the railroad and the highway as a transportation point of exchange and distribution and do not require extensive urban services.

(B) Uses permitted. The following uses are permitted providing that a primary function of the use requires use of the adjacent river, and that all uses are in compliance with the performance standards as set forth in § 154.205.

(1) Bulk storage and/or transfer station for materials excluding types of a flammable or explosive nature.

(2) Carting, express, hauling, or storage yards.

(3) Freight terminals.

(4) Grain elevators.

(5) Transportation facilities, including railroad right-of-way, marshalling yards, maintenance and fueling facilities.

(6) Warehousing.

(7) Barge, shipping, and docking facilities.

©) Accessory uses. The following accessory uses shall be permitted:

(1) Customary accessory buildings and uses including operations required to maintain or support any use permitted in this zone on the same lot as the permitted use, such as maintenance shops and power plants.

(2) Fences and walls as regulated by §§ 154.165 through 154.172.

(3) Signs as regulated by §§ 154.185 through 154.192.

(4) Uses, as listed below, included within and entered from within any use permitted in this zone as a convenience to the occupants thereof, and their customers providing such accessory uses shall not exceed 10% of the gross floor area of the permitted uses in the building and no exterior

advertising displays shall be visible from outside the building.

(a) Cafeterias

(b) Coffee shops or refreshment stand

©) Soda or dairy bars

(D) Conditional uses. No buildings or occupancy permit shall be issued for any of the following, not shall any of the following uses or any customary accessory buildings and uses be permitted until and unless the location of said use shall have been applied for and approved of by the Board of Adjustments as set forth in § 154.049.

(1) Bulk storage and/or transfer stations for materials that are of a flammable or explosive nature.

(2) Self-service car wash.

(E) Area and height regulations. No building shall be erected or structurally altered hereafter except in accordance with the following regulations:

(1) Minimum site for an industrial river zone, 25 acres.

(2) Minimum lot area, five acres.

(3) Minimum lot width, 300 feet.

(4) Minimum front yard depth, 50 feet.

(5) Minimum side yard width on each side of lot, 50 feet.

(6) Minimum rear yard depth, 50 feet, unless abutting the river front.

(7) Maximum building height, 50 feet, or more if approved by the Planning and Zoning Commission.

(F) Other development controls.

(1) Off-street parking and loading or unloading shall be provided in accordance with §§ 154.120 through 154.151.

(2) No lighting shall be permitted which would glare from this zone onto any street, road, highway, deeded right-of-way, or into any adjacent property.

(3) Where any yard of any use permitted in this zone abuts a residential zone, a minimum yard requirement of 75 feet for each side and/or rear yard which abuts said zone shall be provided, ten feet of which shall be maintained by a screening area as regulated by § 154.052.

(4) A site plan as regulated by § 154.054 shall be required for any use in this zone.

(5) All development in areas defined as flood prone (either the floodway or flood plain) must be in accordance with the regulations set forth in § 154.059.

(6) All outdoor storage of any material (usable or waste) shall be screened or enclosed from view at the site according to § 154.052 through §§ 154.165 through 154.172.  
(Ord. 0-11-82, passed 11-3-82; Am. Ord. 0-7-88, passed 3-3-88) Penalty, see § 154.999

#### § 154.102 I-5 INDUSTRIAL RIVER ZONE.

(A) Purpose. The intent of the I-5 Zone is to provide for industrial uses in areas of urban service which depend on the use of the adjacent river as a primary function of their process, such as its use for cooling purposes, or access to barge traffic as part of a transportation node of exchange and/or distribution.

(B) Uses permitted. The following uses are permitted providing all uses are in compliance with both the performance standards as set forth in § 154.205, and all appropriate local, state, and federal regulations, and that the use complies with the above stated intent of the I-5 Zone.

(1) Except for those that decompose by detonation, the manufacturing, compounding, processing, packing, or assembling of the following uses:

- (a) Acetylene, butane, and bottled gas, including bulk storage.
- (b) Asphalt and asphalt products.
- © Brick, tile, or terra cotta.
- (d) Cement, concrete, and concrete products.
- (e) Chemicals, including ammonia,

bleach bluing, calcimine, chlorine, corrosive acid, or alkali, dyes.

(f) Electrical and nonelectrical machinery, equipment, and supplies.

(g) Iron, steel, aluminum foundry or forge works and heavy weight casting.

(i) Lumber mills and storage yards.

(j) Lampblack.

(k) Metal, metal finishing and metal products, including the use of blast furnaces or drop forges.

(l) Paint, oil, shellac, turpentine, lacquer, varnish, gasoline.

(m) Paper, paperboard, pulp.

(n) Petroleum refining and products including bulk storage.

(o) Plastic and plastic products.

(p) Rolling mills.

(q) Rubber and rubber products.

® Stone and monument works employing power driven tools.

(s) Sand and gravel including storage.

(2) Barge, shipping, and docking facilities.

(3) Bulk storage station and/or transfer stations for materials.

(4) Carting express, hauling, or storage yards.

(5) Contractors' offices including storage of general construction equipment and vehicles.

(6) Crating services.

(7) Flour mills.

(8) Forge plants.

(9) Foundries.

(10) Freight terminals.

(11) Machine shops.

(12) Plating plants.

(13) Public utilities rights-of-way and pertinent structures.

(14) Railroad facilities, including passengers and freight terminals, marshalling yards, maintenance shops, and round house.

(15) Trucking terminals, related to exchange or distribution with barge traffic.

(16) Warehousing or wholesaling, as secondary part of a river oriented function.

©) Accessory uses. The following accessory uses shall be permitted:

(1) Customary accessory buildings and uses including operations required to maintain or support any use permitted in this zone on the same lot as the permitted use, such as maintenance shops, power plants, laboratories, offices, and machine shops.

(2) Fences and walls, as regulated by §§ 154.165 through 154.172.

(3) Signs, as regulated by §§ 154.185 through 154.192.

(4) Uses as listed below, including within and entered from within any use permitted in this zone as a convenience to the occupants thereof, and their customers providing such accessory uses shall not exceed 10% of the gross floor area of the permitted uses in the building and no exterior advertising displays shall be visible from outside the building.

(a) Cafeterias

(b) Coffee shops or refreshment stands

©) Soda or dairy bars

(D) Area and height regulations. No building shall be erected or structurally altered hereafter except in accordance with the following regulations:

(1) Minimum size for an I-5 zone, 25 acres.

(2) Minimum lot area, five acres.

(3) Minimum lot width, 300 feet.

(4) Minimum front yard depth, 50 feet.

(5) Minimum side yard width, 50 feet.

(6) Minimum rear yard depth, 50 feet; unless abutting the river front.

(7) Maximum building height, 50 feet; or more if approved by the Planning and Zoning Commission.

(E) Other development controls.

(1) Off-street parking and loading and/or unloading shall be provided in accordance with §§ 154.120 through 154.151.

(2) No lighting shall be permitted which would glare from this zone onto any street, road, highway, deeded right-of-way, or into any adjacent property.

(3) Where any yard of any use permitted in this zone abuts a residential zone, a minimum requirement of 75 feet for each side and/or rear yard which abuts said zone shall be provided, 20 feet of which shall be maintained by a screening area as regulated by § 154.052.

(4) A site plan, as regulated by § 154.054 shall be required for any use in this zone, with an indication of the proposed method of sewage disposal and waste handling.

(5) All development in areas defined as flood prone (either the floodway or flood plain) must be developed in accordance with the regulations set forth in § 154.059.

(6) All outdoor storage of any material (usable or waste) shall be screened or enclosed from view at the periphery of the site according to § 154.052 and §§ 154.165 through 154.172. (Ord. 0-11-82, passed 11-3-82) Penalty, see § 154.999

### **OFF-STREET PARKING REGULATIONS**

### **§ 154.120 COMPLIANCE WITH REGULATIONS.**

In all zones, off-street parking facilities for the

storage or parking of motor vehicles for use of occupants, employees, and patrons of the building hereafter erected, altered, or extended, and all uses of the land after the effective date of this chapter, shall be provided and maintained as prescribed in this subchapter. However, where a building permit has been issued prior to the date of adoption of this chapter and provided that construction has not begun within 90 consecutive calendar days of such effective date, off-street parking facilities in the amounts required by this chapter shall prevail.  
(Ord. 0-11-82, passed 11-3-82)

#### **§ 154.121 COMPUTATION OF PARKING SPACES.**

In determining the number of parking spaces required, if such spaces result in fractional parts thereof, the number of said spaces required shall be construed to be the next highest whole number.  
(Ord. 0-11-82, passed 11-3-82)

#### **§ 154.122 ADDITION TO BUILDINGS.**

Whenever the intensity of use of any building, structure, or premises shall be increased through addition of dwelling units, gross floor area, seating capacity, or other units of measurement specified herein, additional parking spaces shall be provided in the amounts specified in this subchapter for that use.  
(Ord. 0-11-82, passed 11-3-82)

#### **§ 154.123 LOCATION OF OFF-STREET PARKING FACILITIES.**

(A) Off-street parking facilities (subject to additional restrictions according to screening requirements in § 154.052, and other requirements of this chapter) shall be located as follows:

(1) Single-Family Residential Zones (A-1, R-RE, and R-1). Off-street parking may be permitted in driveways in the front, side, and rear yards, provided all requirements of this chapter are met. Additionally, off-street parking located in the rear yard shall be set back a minimum of ten feet from the rear lot line. No off-street parking area, located in the front yard in a single-family residential zone, may exceed 400 square feet (two parking spaces); however, the Planning and Zoning Commission may allow additional off-street parking spaces to be located thereon provided that: the additional parking spaces will not cause the ratio of unpaved area to paved area (parking and driveway areas) in the front

yard to be less than three to one; a plan of the proposed parking area is submitted and approved by the Planning and Zoning Commission; and all other requirements of this chapter are met.

(2) Multi-Family Zones (R-2, R-3). Off-street parking shall be permitted only in side or rear yards, provided that off-street parking facilities shall be set back a minimum of ten feet from the rear lot line. Off-street parking may be permitted in required front yards, if approved according to the approved development plan or site plan.

(3) RMHP Zone. Off-street parking may be permitted on driveways in minimum required side yards, provided that all other requirements of this chapter are met.

(4) RUD, RCD Zones. Off-street parking shall be permitted according to approval of a final development plan.

(5) NC, HC, RC, SC, NSC, PO, I-1, I-2, I-3, I-4, and I-5 Zones. Off-street parking may be permitted in minimum required front, side, and rear yards according to site plan approved by the Planning and Zoning Commission under § 154.054, and further provided that where land in these zones abuts or is across the street from agricultural or residential zones the setback shall be at least ten feet and may be required to equal the corresponding setback of the zoning of the land abutting or across the street from the subject property, as determined by the Planning and Zoning Commission.

(B) All off-street parking facilities shall be located on the same lot or zoning lot as the building served, except for the following:

(1) Multi-family dwellings, where permitted in this chapter, and any use permitted in an industrial zone may supply off-street parking within 300 feet from such lot or zoning lot served, upon approval of the Planning and Zoning Commission, providing that such off-street parking requirements of this chapter are complied with at all times. Further, the applicant must also show sufficient proof that such off-street parking facilities would be impossible to provide the required off-street parking space, as required herein, on the same lot or zoning lot or contiguous to the same lot or zoning lot as the building served.

(2) Where single-, two-, or multi-family dwellings, which are permitted herein and are existing at the time of adoption of this chapter, occupy a lot of such size that off-street parking could not be

provided on the same lot or zoning lot as the use being served, said off-street parking may be permitted to locate within a distance not to exceed 300 feet from said dwelling or dwellings upon approval of the Planning and Zoning Commission. In addition, said off-street parking lot shall be located in the same zone as the use being served and constructed in accordance with the requirements of this chapter.

(3) Off-street parking, as required for conditional uses permitted in the Residential ® Zones, may be permitted to locate on the lot the building or use being served is located, when approved by the Board of Adjustments, provided that said parking is located within the use or building being served and available at all times without restrictions for said purposes.

(Ord. 0-11-82, passed 11-3-82; Am. Ord. 0-25-88, passed 10-5-88) Penalty, see § 154.999

#### **§ 154.124 COLLECTIVE PARKING.**

Collective off-street parking facilities may be provided; however, such facilities shall not be less than the sum of such facilities as would otherwise be individually required.

(Ord. 0-11-82, passed 11-3-82) Penalty, see § 154.999

#### **§ 154.125 DRIVEWAYS.**

(A) Except for Residential ®-RE and R-1 Zones, parking lots or areas adjacent to streets, roads, highways, or deeded rights-of-way shall have driveways or openings not less than 12 feet in width and no more than 48 feet in width at the curb, excluding curve radius. These curb cuts shall be so located as to minimize traffic hazards and congestion. All such parking lots or areas shall have a protective wall or bumper block around each parking lot and said parking lots shall be so designed that all vehicles leaving the facility will be traveling forward to approaching traffic. In the case of R-RE and R-1 Residential Zones, no driveway width at the street right-of-way junction shall be less than nine feet, excluding curb radius; providing, that this width may be increased if it can be determined, after review and approval of the Planning and Zoning Commission, that said additional width will not impede the flow of traffic.

(B) Driveways not computed as part of required parking lot. Entrances, exits, or driveways shall not be computed as any part of a required parking lot or area, except in the case of the R-RE and R-1 Zones,

where access driveways may be used for parking and designed in accordance with the requirements of this chapter.

(Ord. 0-11-82, passed 11-3-82) Penalty, see § 154.999

#### **§ 154.126 APPROVAL OF MODIFICATION OF CURB CUTS REQUIRED.**

(A) Detailed plans shall be submitted to the Planning and Zoning Commission in the form of a site plan, as regulated by § 154.054, for approval of all curb cuts, driveway openings, including modifications thereto, before a permit may be obtained therefor.

(B) For the purpose of minimizing the interference of traffic and congestion on the major street system, as identified in the county's Comprehensive Plan, the Planning and Zoning Commission shall limit the number of curb cuts along said streets. The number of curb cut intersections with major streets shall be spaced at a distance of not less than 250 feet apart. Access to abutting properties fronting on said major streets shall be provided by a frontage or service road connecting to the curb cut intersection. If the developer can show sufficient proof in the form of a site plan or development plan, that spacing of curb cuts less than 250 feet apart will not impede the movement of traffic flow along said major street, than the Planning and Zoning Commission may vary these requirements accordingly.

(Ord. 0-11-82, passed 11-3-82) Penalty, see § 154.999

#### **§ 154.127 OFF-STREET PARKING SPACE AND ACCESS DRIVES.**

(A) For the purposes of this chapter, one parking space shall be a minimum of 200 square feet in area, exclusive of access drives or aisles, and shall be a minimum of ten feet in width and 20 feet in length. Such parking space shall have a vertical clearance of at least seven feet. Each parking space shall be appropriately dimensioned for automobile parking. All parking lots shall be laid out with the following minimum aisle or access drive widths:

(1) Ninety degree (perpendicular) parking, 24 feet (either one- or two-way circulation);

(2) Sixty degree (angle) parking, 18 feet (one-way circulation only);

(3) Forty-five degree (angle) parking, 13 feet (one-way circulation only);

(4) Thirty degree (angle) parking, 11 feet (one-way circulations only); or

(5) Zero degree (parallel) parking, 12 feet (one-way circulation only).

(6) When any combination of these types of parking is used (facing the same aisle) the most restricted aisle or access drive width requirements shall prevail.

(B) Off-street parking space to be used for parking space only. Any vehicle parking space shall be used for parking only. Any other use of such space, including repair work or servicing of any kind other than in an emergency, or the requirement of any payment for the use of such space, shall be deemed to constitute a separate commercial use in violation of the provisions of this chapter.

©) No building shall be erected in off-street parking space. No building of any kind shall be erected in any off-street parking lot, except a parking garage containing parking spaces equal to the requirements set forth in this subchapter, or a shelter house booth for a parking attendant providing the number of spaces required are not reduced.

(D) Off-street parking space shall not be reduced. The required parking area on any lot, as set forth and designated in this chapter, shall not be reduced or encroached upon in any manner. (Ord. 0-11-82, passed 11-3-82) Penalty, see § 154.999

#### **§ 154.128 PARKING PLAN APPROVAL REQUIRED.**

Plans for all parking lot facilities, including parking garages, shall be submitted to the Planning and Zoning Commission for review and for compliance with the provisions of this chapter and such other pertinent ordinances of the county. Such plans shall show the number of spaces and arrangements of parking aisles, location of driveway entrances and exits, provisions for vehicular and pedestrian circulation, locations of sidewalks and curbs on or adjacent to the property, utilities, location of shelters for parking attendant, location of signs, typical cross sections of pavement, base, and subbase in accordance with § 154.129, proposed grade of parking lot, storm drainage facilities, location of lighting facilities, and such other information or plans as the circumstances may warrant.

(Ord. 0-11-82, passed 11-3-82)

#### **§ 154.129 PAVING OF NEW OFF-STREET PARKING.**

All new off-street parking facilities shall be paved with asphalt concrete or portland cement concrete and shall be designed and constructed in accordance with the standards and procedure herein established.

(A) Asphalt concrete pavement.

(1) General design requirements.

(a) Asphalt concrete pavements shall consist of specified thickness of asphalt concrete surfaces course and a base course, or courses, all constructed on prepared subgrade. Pavement thickness required shall be determined from Table 1 of this section of the appropriate subgrade soil and traffic use.

(b) Paved areas shall be so designed and constructed that water will quickly drain from the surface and be conducted away from the area through approved system. Transverse and/or longitudinal slopes of not less than 5/8-inch in ten feet shall be provided. For large pavement areas, approved catch basins and storm drainage systems shall be provided.

©) When the pavement includes a granular base, and the pavement is not constructed over granular subgrade, perimeter subsurface drainage shall be provided to prevent lateral flow of water into the base course and to provide for removal of seepage water that may enter the base.

#### **THICKNESS REQUIREMENTS OF SURFACE AND BASE COURSES FOR AUTOMOBILES AND TRUCK PARKING FACILITY PAVEMENTS (1)**

| <i>Type of Vehicle</i>        | <i>Soil Classification</i> | <i>Thickness of Surface and Base - Inches</i> |                       |                      |
|-------------------------------|----------------------------|---|-----------------------|----------------------|
|                               |                            | <i>Type I of II</i>                           | <i>Type III or IV</i> | <i>Granular Base</i> |
| Automobile Parking Facilities | A                          | 1-4   | 2-4                   | 3-4                  |
|                               | B                          | 1-5   | 2-5                   | 3-6                  |
|                               | C                          | 1-6   | 2-6                   | 3-8                  |
| Truck Parking Facilities      | A                          | 1-6   | 2-6                   | 4-6                  |
|                               | B                          | 1-7   | 2-7                   | 4-8                  |
|                               | C                          | 1-8   | 2-8                   | 4-10                 |

(1) Thickness of surface and base is shown for each soil classification and street classification. The first number indicates the minimum thickness of asphalt concrete which may be comprised of asphalt concrete surface course, Type I or II, if the surface course does not exceed two inches when surface thickness is more than two inches, asphalt concrete Base I or II, as specified in Table 2, may be used for





all but the upper one-inch wearing course which must be asphalt concrete surface course I or II, as specified in Table 2. The second figure indicates the thickness of base course of the type indicated. For example, 1-4 indicates one inch surface and four inches base.

(2) Soils are classified into three groups indicating their relative effectiveness as subgrade.

A - Granular soils that drain well; sand, gravel, or combination of sand and gravel.

B - Silty clays, or lean clays, that retain considerable strength when wet. These are average subgrade soils.

C - Heavy clay soils that lose most of their strength when wet.

**TABLE 2**  
**COMPOSITION LIMITS FOR ASPHALT MIXTURES**

| <b>SIEVE<br/>SIZE</b> | <b>Percent Passing by Weight</b>   |                                     |   |  |                 |                |
|-----------------------|------------------------------------|-------------------------------------|---|--|-----------------|----------------|
|                       | <b>Asphalt Concrete<br/>Base I</b> | <b>Asphalt Concrete<br/>Base II</b> | <b>Asphalt Treated Base<br/>Surface I</b> | <b>Asphalt Treated Base<br/>Surface II</b> | <b>Base III</b> | <b>Base IV</b> |
| 1-1/2"                | -                                  | 100                                 | -   | -  | -               | 100            |
| 1"                    | 85-100                             | 100                                 | -   | -  | -               | -              |
| 3/4"                  | -                                  | 80-100                              | -   | -  | 70-100          | 100            |
| 1/2"                  | 50-80                              | -                                   | -   | 100  | 100             | -              |
| 3/8"                  | -                                  | 54-76                               | 80-100                                    | -  | 40-80           | 70-100         |
| No. 30                | 30-50                              | 37-57                               | 55-75                                     | 75-95                                      | -               | -              |
| No. 40                | 25-45                              | 25-45                               | 35-60                                     | 60-85                                      | 25-60           | 40-100         |
| No. 60                | 15-35                              | 15-35                               | 15-35                                     | 25-50                                      | 45-70           | -              |
| No. 100               | 5-20                               | 5-20                                | 5-20                                      | 9-21                                       | 15-40           | 5-30           |
| No. 200               | 3-10                               | 3-10                                | 3-10                                      | 5-14                                       | 5-25            | 3-15           |
| % Asphalt             | -                                  | -                                   | -   | -  | 3.7             | 4-10           |
|                       | 3.5-6.0                            | 4.0-7.0                             | 5.0-8.0                                   | 6.0-9.0                                    | 3.5-6.0         | 4.0-8.0        |

(4) Successive layers of the pavement shall be offset from the edge of the underlying layer a distance equal to the course thickness of the lower layer except when abutting existing construction. When the asphalt layers of the pavement abut a building foundation, barrier curb or similar vertical surface, the abutting surface shall be heavily painted with asphalt prior to construction of the asphalt course. The surface course shall be finished 1/4-inch above adjacent flush construction to permit proper compaction.

(2) Construction materials and procedures.

(a) Subsurface drainage.

1. Drainage tile, six-inch perforated tile or other approved types of similar capacity, where required by the Planning and Zoning Commission shall be bedded at a depth of not less than 12 inches below the bottom elevation of the granular base course. Aggregate for bedding and backfill shall all pass a 3/8-inch sieve and have not more than 5% passing a No. 200 sieve. The slope of subsurface drains shall be not less than six inches per 100 feet. All such drains shall be properly

connected to outlet drains.

2. All catch basins, in pavement with granular base, shall be constructed with weep holes, at subbase level, to provide for drainage of seepage water from the granular layer. Weep holes shall be constructed of pipe, or other material, having an opening not less than 1.5 inches clear opening. Suitable provision shall be made to prevent clogging of the opening. Three or more weep holes shall be suitably located around the perimeter of each catch basin.

(b) Base courses shall consist of one or more of the following materials. Construction procedures shall conform to the requirements applicable to the base course selected.

1. Asphalt concrete base course. Materials and construction shall conform to the current requirements of the Kentucky Bureau of Highways Specifications for Asphalt Concrete Base Course, Class I, except as noted herein:

a. **C o m p o s i t i o n** requirements of the mixture shall conform to the gradation limits for Asphalt Concrete H Base Course I or II set forth in Table 2 of this section. Asphalt content used shall fall within the range shown and shall be approved by the Planning and Zoning Commission.

b. Uncrushed gravel and natural sand may be used as aggregate provided all other requirements of the specification are complied with.

2. Asphalt treated base course. Materials and construction procedures shall conform to the following requirements:

a. Aggregates may be crushed or uncrushed material conforming to the gradation requirements, shown in Table 2 of this section for either Base III or Base IV. The aggregate shall be composed of hard durable particles and shall contain no more than a total of 5% deleterious substances. In addition, the sand equivalent of the aggregate shall not be less than 25% when tested in accordance with AASHTO Designation: T 1765. The contractor shall set a single gradation and asphalt content, within the specified limits, as the job mix formula to be used on the project. This formula must be approved by the Planning and Zoning Commission, prior to use. Gradation and asphalt content may vary during construction within the following tolerances:

|                                      |       |
|--------------------------------------|-------|
| % Passing 3/4 inch or 3/8 inch sieve | ± 10% |
| % Passing No 8 Sieve                 | ± 8%  |
| % Passing No. 50 Sieve               | ± 6%  |
| % Passing No. 100 Sieve              | ± 3%  |
| % Asphalt                            | ± .4% |

b. Other construction requirements shall conform to those specified by the Kentucky Bureau of Highways for asphalt concrete except that a gradation unit on the plant shall not be required provided the aggregate can be controlled by other means to produce a consistently uniform gradation.

### 3. Crushed stone base course.

a. Crushed stone base course shall conform to all the current requirements of the Kentucky Bureau of Highways for Dense Graded Aggregate Base Course.

©) Asphalt concrete surface course. Materials and construction shall conform to the current requirements of the Kentucky Bureau of Highways for Asphalt Concrete surface, Class I. Surface course mixture composition may conform to requirements of either Surface Course I or II as set forth in Table 2 of this section. Minimum course thickness shall be as stated in Table 1 of this section.

### (d) Asphalt prime and tack coat.

1. Asphalt prime shall conform to the Kentucky Bureau of Highways' requirements for Cutback Asphalt Emulsion Primer Type L. Prime shall be applied to the surface of granular base course at a rate of 0.20 to 0.40 gallons per square yard, as directed by the County Engineer, in conformance with requirements of the referred to specification.

2. Tack coat shall consist of SS-1h, meeting the current requirements of the Kentucky Bureau of Highways. It shall, when directed by the Planning and Zoning Commission, be diluted with equal parts of water. Application equipment and procedure shall conform to the requirements of the Kentucky Bureau of Highways for Tack Coat. Tack coat shall be applied, upon direction of the Planning and Zoning Commission, to the surface of asphalt courses that have become dusty or dry from traffic use before the subsequent course could be placed or in other circumstances when the Planning and Zoning Commission so directs.

(B) Soil cement base course (with asphalt concrete surface).

(1) Description. Soil-cement base course shall consist of soil and cement uniformly mixed, moistened, compacted, finished, and cured in accordance with the specifications herein, and it shall conform to the lines, grades, thickness, and typical cross section shown on the plans.

(2) Materials.

(a) Cement. Cement shall comply with the latest specifications for cement, AASHTO M85, M134, M151; or ASTM C150, C175, C205; or Federal SS-C192b, SS-C-218 for the type specified. One cubic foot of portland cement shall be considered to weigh 94 pounds and one barrel of cement shall be considered to weigh 376 pounds.

(b) Water. Water shall be free from substances deleterious to the hardening of the soil-cement.

(c) Soil. Soil shall consist of the material existing in the area to be paved, of approved selected soil, or of a combination of these materials proportioned as direct. The soil shall not contain gravel or stone retained on a three-inch sieve or more than 45% retained on a No. 4 sieve.

(3) Construction methods.

(a) Preparation.

1. Unsuitable soil or material shall be removed and replaced with acceptable soil.

2. The subgrade shall be firm and able to support without displacement the construction equipment and the compaction hereinafter specified. Soft or yielding subgrade shall be corrected and made stable, before construction proceeds.

(b) Pulverization. The soil shall be so pulverized that, at the completion of moist-mixing, 100% by dry weight passes a one-inch sieve and a minimum of 80% passes a No. 4 sieve, exclusive of gravel or stone retained on the sieves.

(c) Cement application, mixing, and spreading.

1. Mixing of the soil, cement, and water shall be accomplished either by the mixed-in-place or the central-plant-mixed method.

2. No cement or soil-cement

mixture shall be spread when the soil or subgrade is frozen or when the air temperature is less than 40° F. in the shade.

3. The percentage of moisture in the soil, at the time of cement application, shall not exceed the quantity that will permit a uniform and intimate mixture of soil and cement during mixing operations; and it shall not exceed the specified optimum moisture content for the soil-cement mixture.

4. Any soil-and-cement mixture that has not been compacted and finished shall not remain undisturbed for more than 30 minutes. The soil-cement base course shall have a thickness of not less than six inches.

(d) Compaction.

1. At the start of compaction, the percentage of moisture in the mixture and in unpulverized soil lumps, based on oven-dry weights, shall not be below or more than two percentage points above the specified optimum moisture content and shall be less than that quantity which will cause the soil-cement mixture to become unstable during compaction and finishing. The specified optimum moisture content and density shall be determined in the field by a moisture-density test, AASHTO T134-57 or ASTM D558-57, on representative samples of soil-cement mixture obtained from area being processed.

2. Prior to the beginning of compaction, the mixture shall be in a loose condition for its full depth. The loose moisture then shall be uniformly compacted to the specified density within two hours. During compaction operations, shaping may be required to obtain uniform compaction and required grade and cross section.

(e) Finishing.

1. After compaction the surface of the soil-cement shall be shaped to the required lines, grades, and cross section. If necessary, during shaping operations, the surface of the base shall be lightly scarified to remove any tire imprints or smooth surfaces left by equipment. The resulting surface shall then be compacted to the specified density. Rolling shall be supplemented by broom-dragging if required.

2. The moisture content of the surface material must be maintained at not less than its specified optimum moisture content during finishing operations. Surface compaction and finishing shall be

done in such a manner as to produce, in not longer than two hours, a smooth dense surface free of compaction planes, cracks, ridges, or loose materials.

3. Any portion of the soil-cement that has a density of five pounds or more below that specified shall be corrected or replaced to meet these specifications.

(f) Curing.

1. After the soil-cement has been finished as specified herein, it shall be protected against drying for seven days by the application of bituminous material. The curing material shall be applied as soon as possible but not later than 24 hours after completion of finishing operations. The finished soil-cement shall be kept continuously moist until the curing material is placed.

2. The bituminous material specified shall be uniformly applied to the surface of the completed soil-cement at the rate of approximately 0.2 gallons per square yard with approved heating and distributing equipment.

3. At the time the bituminous material is applied the soil-cement surface shall be dense, shall be free of all loose and extraneous material, and shall contain sufficient moisture to prevent penetration of the bituminous materials. Water shall be applied in sufficient quantity to fill the surface voids of the soil-cement immediately before the bituminous curing material is applied.

4. The curing material shall be maintained by the contractor during the seven-day protection period so that all of the soil-cement will be covered effectively during this period.

5. Sufficient protection from freezing shall be given the cement for seven days after its construction and until it has hardened.

(g) Surfacing. Asphaltic concrete shall be applied to the soil-cement base course as regulated in division (A)(2)(c) of this section.

(C) Concrete parking areas.

(1) General requirements. Thickness of concrete parking shall be:

(a) A minimum of five inches for passenger cars and panel or pick-up truck parking.

(b) A minimum of six inches for driveways accommodating light trucks and for light truck parking.

(c) A minimum of seven inches for heavier commercial or industrial needs.

(2) General requirements. Concrete mix (for areas subject to freeze-thaw conditions.)

(a) Minimum cement content, 564 pounds per cubic yard (six U.S. bags).

(b) A maximum size of aggregate, 1-1/2 inches.

(c) Maximum water content, 0.49 pounds per one pound of cement (5.5 gallons per bag).

(d) Maximum slump, four inches.

(e) Air entrainment:

| <b>Maximum Size<br/>Aggregate (inches)</b> | <b>Entrained<br/>Air (Percent)</b> |
|--|------------------------------------|
| 1-1/4                                      | 5 ± 1                              |
| 3/4, 1                                     | 6 ± 1                              |
| 3/8, 1/2                                   | 7-1/2 ± 1                          |

(3) Construction procedures.

(a) All soft and yielding material and other portions of the subgrade which will not compact readily when rolled or taped shall be removed and replaced with suitable material placed and compacted. The subgrade shall be thoroughly compacted with suitable equipment so as to have uniform density at moisture contents of not less than standard optimum CAASHO-T98).

(b) Longitudinal joint spacing shall not exceed 12.5 feet.

(c) Transverse joint spacing shall be at regular intervals of 20 feet.

(d) All transverse construction joints shall have a depth equal to one-fourth of the pavement thickness.

(e) Form offsets at radius points shall be at least two feet.

(f) Pavement joints must be continuous through the curbs.

(g) Where curbs are required they shall be cast integrally.

(h) The pavement shall be struck-off, consolidated, and finished to the grades shown on the plans. All catch basins and manhole castings shall be boxed out and separated from the pavement with expansion joint material. All except premolded or sawed joints shall be edged with a tool having a maximum radius of 1/8 inch. Sawed and formed joints shall be cleaned and sealed before opening to traffic. Final surface texture shall be that obtained with a burlap drag. Curing shall be that obtained with a uniform coverage of white membrane curing compound or by seven-day coverage of white polyethylene or waterproof paper. The completed pavement shall be closed to traffic for seven days. (Ord. 0-11-82, passed 11-3-82) Penalty, see § 154.999

#### § 154.130 DESIGN AND MAINTENANCE.

(A) Screening and landscaping. All open automobile parking areas containing more than four parking spaces shall be effectively screened on each side adjoining or fronting on any property situated in a residential zone by a solid wall, fence or densely planted compact hedge as regulated by § 154.052. Ground cover shrubs and trees shall be located and maintained so as to not interfere with vehicular and pedestrian traffic on the property or with sight distance clearance at entrances and exits.

(B) Lighting. Any lighting used to illuminate off-street parking areas shall be directed away from property in any residential zone in such a way as not to create a nuisance.

(C) Ingress and egress to parking areas shall be limited to driveway entrances and exits specified in parking area plans as approved by the Planning and Zoning Commission. Each required parking space shall be connected with a deeded public right-of-way (by means of adequate aisles as required in § 154.127(A) which offers adequate ingress and egress for automobiles.

(D) Parking lots, garages, and storage areas shall be so designed and constructed so that all maneuvering into and out of each parking space takes place entirely within property lines of lots, garages, and/or storage areas. (Ord. 0-11-82, passed 11-3-82) Penalty, see § 154.999

#### § 154.131 SPECIFIC OFF-STREET PARKING REQUIREMENTS.

The amount of off-street parking space required for uses, buildings, or additions thereto shall be determined according to the following requirements, and the space, so required, shall be stated in the application for a zoning and building permit and shall be reserved for such use. Where more than one use is located in the same building, each individual use shall be in accordance with the off-street parking requirements of this section of the chapter.

| <i>Types of Uses</i>                                    | <i>Required Number of Parking Spaces</i>   |
|---|--|
| Airport, railroad passenger stations, and bus terminals | One parking space per each four seating accommodations for waiting passengers, plus one parking space per each two employees on shift of largest employment. |
| Automobile laundries                                    | One parking space for each employee, plus one space per owner or manager and reservoir space equal to five times the capacity of laundry.                    |
| Automobile service stations                             | One space for each gas pump island, plus two spaces for each working bay, plus one parking space for each employee at largest shift.                         |
| Beauty parlors and bar ber shops                        | Four parking spaces per barber and/or beauty shop operator.  |
| Bowling establishments                                  | Five parking spaces for each lane; plus one space for each two employees on shift of largest employment.   |
| City and/or county government offices                   | One parking space for each 200 square feet of gross floor area.  |
| Commercial or trade schools                             | One parking space for each two students based on design capacity of school plus one parking space for each employee.   |

| <b><i>Types of Uses</i></b>   | <b><i>Required Number of Parking Spaces</i></b>  | <b><i>Types of Uses</i></b>           | <b><i>Required Number of Parking Spaces</i></b>  |
|---|--|---------------------------------------|--|
| Convalescent homes, nursing homes for the aged, and orphanages  | One parking space for each two beds, plus one space for each two employees or staff members, homes, rest homes, including nurses, on the shift of largest employment, plus one parking space per doctor.   |                                       | (4) Two seating accommodations, based on maximum seating capacity in a sit-down restaurant; plus one parking space per each two employees on shift of largest employment in any type restaurant.   |
| Dance halls, pool and billiard halls, and exhibition halls with out fixed seats   | One parking space for each 100 square feet of floor area used for dancing or assembly, or one space for each four persons based on design capacity, whichever is greater, plus one space for each two employees on shift of largest employment.  | Fire stations                         | One parking space per person on duty on largest shift.   |
| Dormitories, fraternities, sorority houses and other group housing  | One parking space per each two residents plus one parking space per owner or operator; plus one parking space per employee; or one parking space for each two seats for membership meetings, whichever is greater based on design capacity.  | Hospitals                             | One parking space for each two beds, plus one space for each two employees, or staff members, including nurses, on the shift of largest employment plus one parking space per doctor.  |
| Dwellings:  |  | Laundromats                           | One parking space for each two washing machines.   |
| One-family  | Two parking spaces.  | Libraries, museums, and art galleries | One parking space per four seats in rooms for public assembly or one parking space for 50 square feet of gross floor area for use by the public, whichever is greater, plus one space for each two employees on shift of largest employment.   |
| Two-family  | Four parking spaces, with individual access for each dwelling unit, or a joint access in which no parking is permitted on the access drive.  | Medical offices and/or clinics        | Five parking spaces per each practitioner, plus one parking space per each two employees or one parking space per each 200 square feet of gross floor area in the building, plus one parking space for each two employees, whichever is greater.   |
| Dwellings: Multi-family   | Two parking spaces for every dwelling unit.  | Mortuaries or funeral homes           | One parking space for each four seats in the main chapel or public assembly area based on maximum seating capacity, plus one parking space for each funeral vehicle and employee, or in the case of no fixed seats, one parking space for each 50 square feet of floor area in parlors or service rooms, or one parking space for each four person based on designed capacity of building, whichever is greater, plus one parking space for each funeral vehicle and employee. |
| Establishments for sale and consumption on the premises of alcoholic beverages, food, and refreshments, or for take home food services. | One parking space per each:<br>(1) Thirty square feet of gross floor area in a drive-in restaurant;<br>(2) One hundred and forty square feet of gross floor in a carry-out restaurant.<br>(3) Forty square feet of gross floor area or two seating accommodations, based on maximum seating capacity, whichever is greater, in a combination restaurant; |                                       |  |



**Campbell County - Land Usage**

| <b><i>Types of Uses</i></b>  | <b><i>Required Number of Parking Spaces</i></b>  | <b><i>Types of Uses</i></b>  | <b><i>Required Number of Parking Spaces</i></b>  |
|--|--|--|--|
| Offices for professional, business, and financial, real estate and business purposes other than medical offices and/or clinics | One parking space for each 200 square feet of gross floor area.  | Shopping centers   | 5.5 parking spaces per 100 feet of gross leasable area.  |
| Post offices   | One parking space for each 400 square feet of gross floor area, plus one parking space for each two employees on the shift of largest employment.  | Stadium and sports arenas  | One parking space for each four seats based on a maximum seating capacity, plus one space for each two employees on shift of largest employment.   |
| Private clubs, boarding houses, and lodge halls  | One parking space for each guest sleeping room, or one parking space per each four fixed seats in the main assembly area, whichever is greater, plus one parking space for each two employees, or in the case of no fixed seats, one parking space for each two employees.   | Theaters, auditoriums, churches, and places of assembly with fixed seats               | One parking space for each four seats based on a maximum seating capacity, plus one additional space for each two employees on shift of largest employment.  |
| Retail and personal service stores   | 5.5 spaces per 1000 square feet of gross leasable area.  | Theaters, auditoriums, churches, and places of assembly without fixed seats            | One parking space per four people in designed capacity of building, or one parking space per 100 square feet in main auditorium or assembly area, whichever is greater, plus one parking space for each two employees on shift of largest employment.  |
| Schools: Elementary, junior high, and equivalent private or parochial schools.   | One parking space per teacher and administrator or one space for each four seats in the auditorium, stadium, and other places of assembly or facilities available to the public based on maximum seating capacity, whichever is greater.                                     | Tourist homes, cabins, motel, or hotels  | One parking space for each sleeping room or suite, plus one space per each two employees on shift of largest employment.   |
| Schools: Senior high, trade and vocational, college and universities, and equivalent private or parochial schools              | Six spaces per each room to be used for class instruction or administrative offices or one space for each four seats in the auditorium, stadium, and other places of assembly or facilities available to the public based on maximum seating capacity, whichever is greater. | Industrial establishments, including manufacturing, research, and testing laboratories | Two parking spaces for each three employees; the total number of parking spaces being the total number of employees on any two consecutive shifts having the largest number of employees based on design capacity plus one parking space for each company vehicle operating from the premises. |



|                      |  |
|----------------------|--|
| <b>Types of Uses</b> | <b>Required Number of Parking Spaces</b> |
|----------------------|--|

|   |   |
|---|---|
| Wholesale establishments, warehouses, and storage buildings | One parking space for each employee, plus one parking space for each company vehicle operating from the premises. |
|---|---|

(Ord. 0-11-82, passed 11-3-82) Penalty, see § 154.999

**OFF-STREET LOADING AND/OR UNLOADING**

**§ 154.150 COMPLIANCE WITH REGULATIONS.**

For all buildings and structures erected, altered, or extended, and all uses of land established as specified in this subchapter, after the effective date of this chapter, off-street loading and/or unloading facilities shall be provided as required by the regulations herein. However, where a building permit has been issued prior to the date of the adoption of this chapter, and provided that construction has not begun within 90 days of such effective date off-street loading and/or unloading facilities in the amounts required by this chapter shall prevail.

(Ord. 0-11-82, passed 11-3-82)

**§ 154.151 USE AND BULK REGULATIONS.**

Off-street loading and/or unloading facilities shall be provided accordance with the following regulations.

(A) Spaces required.

(1) Every building, structure, or part thereof, erected and occupied for manufacturing, storage, warehousing, department stores, wholesale stores, retail stores, market, hotel, hospital, laundry, dry cleaning, dairy, mortuary, and other uses similarly involving the receipt or distribution of vehicles, materials, or merchandise and having up to 5,000 square feet of gross floor area shall be provided with at least one loading and/or unloading space. One additional loading and/or unloading space shall be provided for every additional 10,000 square feet, of fraction thereof, of gross floor area in the building.

(2) If sufficient proof can be shown that less than these requirements (only that part which has to do with over 5,000 square feet) will be

satisfactory for the operation in question, if approved by the Planning and Zoning Commission.

(B) Size of off-street loading and/or unloading space. Each off-street loading and/or unloading space shall be at least 12 feet in width and at least 60 feet in length, exclusive of aisle and maneuvering spaces and shall have a vertical clearance of at least 14 feet; however, when it is demonstrated that a particular loading and/or unloading space will be used by shorter trucks, the Planning and Zoning Commission may reduce the minimum length to not less than 35 feet.

(C) Location. All required loading and/or unloading spaces shall be located on the same zoning lot as the use served. No loading and/or unloading space for vehicles over two-ton capacity shall be closer than 50 feet to any property in a residential zone unless completely enclosed by a fence, wall or screen as regulated by §§ 154.165 through 154.172. No loading and/or unloading space shall be located in any required yards except as herein provided.

(D) Access.

(1) Each required off-street loading and/or unloading space shall be designed with direct access via an approved access drive, to a deeded right-of-way which offers satisfactory ingress and egress for trucks. Access drives or aisles shall be laid out with a width of at least 12 feet for one-way circulation and at least 24 feet for two-way circulation.

(2) Off-street loading and/or unloading space shall be so designed and constructed so that all maneuvering for loading and/or unloading can take place entirely within the property lines of the premises. Such off-street loading and/or unloading space shall be so located as not to hinder the free movement of pedestrians and vehicles over a sidewalk, street, road, highway, or deeded rights-of-way.

(E) Enlargement of buildings. The off-street loading and/or unloading requirements, as listed in this subchapter, shall apply at any time any building is enlarged or increased in capacity by adding floor area.

(F) Design and maintenance.

(1) Surfacing. All open off-street loading and/or unloading spaces shall be paved subject to the provisions in § 154.129(C).

(2) Lighting. Any lighting used to illuminate off-street loading and/or unloading areas shall be directed away from property in any residential zone in such a way as not to create a nuisance.

(3) Space allocated to any off-street loading and/or unloading space shall not be used to satisfy the space requirements for any off-street parking facilities or portion thereof.

(G) Off-street loading and/or unloading plan approval required. Plans for all loading and/or unloading facilities shall be submitted to the Planning and Zoning Commission for review and for compliance with the provisions of this chapter and such other pertinent ordinances of the county. Such plans shall show the exact proposed layout of all loading and/or unloading areas, drives and accessories, entrances and exits, type of surface to be used, typical cross sections of pavement, base and subbase, location of lighting facilities, storm drainage facilities, proposed grade of off-street loading and/or unloading area, and such other information or plans as the circumstances may warrant.

(Ord. 0-11-82, passed 11-3-82) Penalty, see § 154.999

#### ***FENCES, WALLS, AND OBSTRUCTIONS TO VIEW***

#### **§ 154.165 VISION CLEARANCE AT CORNERS AND RAILROAD CROSSINGS.**

Except as provided in this subchapter, a hedge, other structure, or other obstruction above a height of 36 inches as measured above the curb level shall be erected, placed, maintained, or continued in any zone within that triangular portion of a corner lot formed by measuring 50 feet from the intersection of the rights-of-way line of two streets or of the right-of-way line of a street intersection with a railroad right-of-way line and joining these points with a straight line. No type of tree, planting, or other obstruction shall be planted, placed, maintained, or continued in such a manner which would obstruct the vision clearance at corners and railroad crossings.

(Ord. 0-11-82, passed 11-3-82) Penalty, see § 154.999

#### **§ 154.166 CLASSIFICATION OF FENCES AND WALLS.**

The following shall be the classification of fences

and walls for this chapter:

(A) Class 1. Masonry walls.

(B) Class 2. Ornamental iron (80% open).

©) Class 3. Woven wire (80% open); and chain link.

(D) Class 4. Wood or other materials (more than 50% open).

(E) Class 5. Solid fences, wood or other materials (less than 50% open).

(F) Class 6. Hedges.

(G) Class 7. Barbed wire or sharp pointed fences.

(H) Class 8. Earthen or concrete walls intended to contain or redirect flooding waters.  
(Ord. 0-11-82, passed 11-3-82)

#### **§ 154.167 AGRICULTURE AND RIVER CONSERVATION ZONES.**

Fences and/or walls within the Conservation Zone shall conform to the following requirements:

(A) Section 154.165, except that in front yards class 2 or 3 fences may be erected up to maximum height of 96 inches.

(B) Side and rear yard, class 1, 2, 3, 4, 5, 6, or 7 fences and/or walls may be erected up to a maximum height of 96 inches.

©) Class 8 walls shall be permitted but shall conform to requirements of the Corps of Engineers and/or County Engineer, whichever is applicable.  
(Ord. 0-11-82, passed 11-3-82) Penalty, see § 154.999

#### **§ 154.168 RESIDENTIAL ZONES.**

Fences and/or walls within all Residential ®) Zones including their applicable overlay zone shall conform to the following requirements:

(A) The requirements for the Residential ®) Zones for residential uses only, are as set forth and depicted on Figure 1 of this section.

(B) The location, height, and type of all fences

and/or walls within any area zoned with a PUD, RCD, or RMHP Overlay shall be as approved by the Planning and Zoning Commission.

©) For all nonresidential uses conditionally permitted in any residential zone herein, the requirements are as follows:

(1) Fences of class 2 or 3 only shall be permitted in front yards including the front yard of corner lots as governed by § 154.165. said fences may be erected up to a maximum height of 72 inches.

(2) Classes 1, 2, 3, 4, 5, or 6 fences and/or walls may be erected in side or rear yards up to a maximum height of 72 inches; provided, however, for the following exceptions:

(a) General purpose recreational areas may be enclosed with fences or walls of classes 1, 2, 3, 4, 5, 6, or 7 up to a maximum height of 96 inches.

(b) Class 3 fences (or a combination of classes 3 and 7) may be erected to enclose tennis courts or as backstops for baseball and/or softball fields up to a maximum height of 144 inches; and

©) In the case of corner lots, as governed by § 154.165 fences of class 2 or 3 only may be erected, as regulated by the applicable provisions of the section.

(Ord. 0-11-82, passed 11-3-82) Penalty, see § 154.999

### **§ 154.169 COMMERCIAL AND INDUSTRIAL ZONES.**

Fences and/or walls within all commercial and industrial zones including those permitted with all conditionally permitted uses in this zone shall conform to the following requirements:

(A) Except as provided for in § 154.165, fences of classes 1, 2, 3, 4, 5, or 6 may be erected in front, side, and rear yards of commercial zones up to a maximum height of 96 inches.

(B) In the case of corner lots, as governed by § 154.165, fences of class 2 or 3 only may be erected up to a maximum height of 96 inches.

(C) In all commercial and industrial zones, except NSC, SC, a combination of class 3 and 7 fence (chain link with three strands of barb wire) may be erected, including corner lots as governed by § 154.165, up to a maximum height of 96 inches. (Ord. 0-11-82, passed 11-3-82) Penalty, see § 154.999

### **§ 154.170 MEASUREMENTS AND LOCATIONS.**

(A) All fences and/or walls heights shall be measured along the fence or wall locations.

(B) All locations for distance measurements shall be measured from lot lines. (Ord. 0-11-82, passed 11-3-82) Penalty, see § 154.999

### **§ 154.171 BARBED WIRE OR SHARP POINTED FENCES; HEIGHT.**

In all zones, except A1 and R-RE Zones, barbed wire or sharp pointed fences, where permitted, must start a minimum of 60 inches above ground level. (Ord. 0-11-82, passed 11-3-82) Penalty, see § 154.999

### **§ 154.172 FENCES ATOP RETAINING WALLS.**

(A) A combination fence and retaining wall may be erected. The retaining wall portion may be erected up to the level of the higher finished grade. The fence portion must be of the class and height permitted within this chapter for the applicable zone. Said measurement shall be made at and along the location of the fence and retaining wall.

(B) No fence shall be erected, except as exempted or specified within this chapter, until all required fees have been paid to the proper authorities

or their agents and the necessary permits have been issued for such by the Zoning Administrator in accordance with §§ 154.276 and 154.277. (Ord. 0-11-82, passed 11-3-82) Penalty, see § 154.999

## **SIGNS**

### **§ 154.185 SCOPE.**

The regulations set forth in this subchapter shall apply and govern signs in all zones except as otherwise specifically provided within this chapter. (Ord. 0-11-82, passed 11-3-82)

### **§ 154.186 GENERAL RULES, REGULATIONS, AND LIMITATIONS.**

(A) Notwithstanding any part of this chapter to the contrary, all business and identification signs, as defined in § 154.005 shall be deemed accessory uses and all advertising signs, as defined in § 154.005, shall be deemed non-accessory uses.

(B) No sign shall be erected, maintained, or continued unless it is in full compliance with the regulations for the zone in which it is located, all applicable provisions and regulations of this chapter or any other applicable laws, codes, or ordinances of the county. The Zoning Administrator shall have the duty and authority to remove or cause to have removed any sign not in full compliance with all applicable provisions and regulations of this chapter or any other applicable laws, codes, or ordinances of the county when the owner or agent has failed to comply within the time specified by the Planning and Zoning Commission to make said sign comply. Said owner or agent shall bear full cost of such removal and shall be billed accordingly.

(C) No signs shall be erected, maintained, replaced, relocated, repaired, or restored within a distance of 660 feet of the right-of-way of any interstate highways, limited access highway or turnpike, except as provided for in KRS 177.830 through 177.890 and approved of by the Kentucky Department of Transportation, Bureau of Highways, District Office Number 6, as amended.

(D) Time schedule for compliance of sign regulations.

(1) Notwithstanding any part of this chapter,

compliance with the provisions of this subchapter shall be according to the following time schedule:

(a) All new signs shall comply when erected.

(b) Advertising signs, as defined herein, which become nonconforming after the effective date of this chapter, and located in any residential zone, shall be required to conform to the chapter within 12 consecutive calendar months after the effective date of this chapter.

(c) Advertising signs, as defined herein, which become nonconforming after the effective date of this chapter are located in any zone other than a residential zone, shall be required to conform to this chapter within 36 consecutive months after the effective date of this chapter.

(d) Business and identification signs, as defined herein, which became nonconforming after the effective date of this chapter, shall be required to conform within 60 consecutive calendar months after the effective date of this chapter.

(2) All signs becoming nonconforming due to this chapter shall be registered by owner or agent with the Zoning Administrator within six consecutive calendar months of the effective date of this chapter. The owner of any sign legally erected but which has become nonconforming because of this chapter and not registered within the prescribed time, shall be dealt with as specified in § 154.999.

(E) Notwithstanding any part of this chapter to the contrary, no sign constituting a nuisance, because of light, glare, focus, noise, animation, flashing, or intensity of illumination as to unduly disturb the use of surrounding properties, as determined by the Planning and Zoning Commission, or causing a traffic hazard, shall be erected, maintained, or continued in any zone.

(F) Notwithstanding any part of this chapter to the contrary, no radio, phonograph, tape recorder, whistle, bell, gong, siren, or other sound, noise-making, or transmitting device or instrument shall be allowed, permitted, or continued in connection with any sign or may it be used separately for advertising purposes in any zone.

(G) Notwithstanding any part of this chapter to the contrary, no sign shall be erected, maintained, or continued which constricts the flow of air through any window or door.

(H) Notwithstanding any part of this chapter to the contrary, no sign shall be erected, maintained, or continued which is misleading, fraudulent, obscene, immoral, indecent, or unsightly in character as determined by the Planning and Zoning Commission.

(I) Notwithstanding any part of this chapter to the contrary, no advertising sign, except those of a governmental entity, shall be erected, maintained, or continued unless the following provision is complied with; and said provision shall go into effect 90 consecutive calendar days after the effective date of this chapter: the name of the company or person owning, maintained, or erecting said sign is plainly displayed thereon.

(J) No sign shall be erected, maintained, or continued over or into any street, public way, or alley right-of-way, unless specifically provided for within this chapter.

(K) It shall be unlawful and violation of this chapter for any person to fasten, place, paint, or attach in any: any sign, handbill, poster, advertisement, or notice of any kind, or cause the same to be done in or upon any curbstone, lamp post, telephone pole, telegraph pole, electric light or power pole, hydrant, bridge, culvert, public drinking fountain, public trash container, courtesy benches, rest station building, tree, or in or upon any portion of any public sidewalk, street or sign, except as specifically permitted within this chapter.

(L) No sign shall be erected, maintained, or continued upon the inside of a curve of a street which causes any interference to sight distance in the opinion of the Planning and Zoning Commission.

(M) No sign shall be erected, maintained, or continued displaying flashing, or intermittent lights, or lights of changing degrees or intensity except a sign indicating time or temperature, with changes alternating on not less than a five-second cycle when such time or temperature sign does not constitute a public safety or traffic hazard, in the judgement of the Planning and Zoning Commission.

(N) Notwithstanding any part of this chapter to the contrary, no sign shall be erected, maintained, or continued in any zone which does not comply fully with § 154.150 except as specifically permitted within this chapter.

(O) Except as herein provided, signs shall be permanently attached to the ground or on the building

which the sign is to serve. Signs located on portable type vehicles or temporary signs, not to exceed 12 square feet, may be permitted to advertise public, semi-public, charitable, or religious fund raising programs, the opening of a new business, special events, or for other temporary purposes. Said sign may be erected for not more than 14 consecutive calendar days and shall be removed by the owner or agent upon expiration of the time period provided for in the sign permit.

(P) Notwithstanding any part of this chapter to the contrary, no sign shall be erected, maintained, or continued in zones except as provided for in division (D) of this section, unless the sign complies with all of the following regulations:

(1) Is erected and maintained to advertise a use specifically permitted in the zone in which the sign is located, or for a nonconforming use subject to the limitations contained in § 154.147 (E) regarding nonconforming uses;

(2) Is clearly incidental, customary to, and commonly associated with the operation of the use being advertised;

(3) Is established and controlled under and by the same ownership as the use being advertised;

(4) Is limited in location to the premises on which the use being advertised is located;

(5) Is limited in subject matter to the name, design, picture, or phone number and address of owner, operator, builder, sales agent, managing agent, lessor, or lessee of the premises or of the activities (including merchandise handled or services rendered) on the premises on which such sign is located and does not include any general commercial advertising unrelated to or extending in substantial degrees beyond the specifically permitted subject; and

(6) Compliance with the exemptions listed in § 154.187.

(Q) Notwithstanding any part of this chapter to the contrary, when any sign becomes defective or dangerous as determined by the Planning and Zoning Commission, the Zoning Administrator shall have the power and the authority to remove or cause to have removed such sign when the owner or agent has failed to comply within the time specified by the Planning and Zoning Commission to repair or make said sign safe or has failed to satisfy the Commission that the sign is not defective or dangerous. The

owner or agent of said sign shall bear the full costs of such removal and shall be billed accordingly. If the Planning and Zoning Commission determines that said sign is of possible immediate danger to persons or vehicles, which may be passing nearby, the Zoning Administrator shall place or cause to have placed, signs or barriers indicating such danger.

(R) Notwithstanding any part of this chapter to the contrary, whenever any sign which does not comply with the provisions and regulations of this chapter, collapses, burns, or if said sign is removed from its location, except for normal maintenance, said sign shall not be replaced or reconstructed, except in full compliance with all of the provisions and regulations of this chapter.

(S) Notwithstanding any part of this chapter to the contrary, the Planning and Zoning Commission shall have the power and authority to remove or cause to have removed any and all signs which the County Engineer determines to be a traffic hazard, when the owner or agent responsible for the maintenance of said sign has failed to eliminate such traffic hazards within 30 days from the date that the written notice is mailed by the Zoning Administrator. Said owner or agent shall bear the full costs of such removal and shall be billed accordingly.

(T) Except as otherwise specified in this chapter, signs shall be in conformance with the county's building code where applicable and shall be subject to the inspection and approval by the Building Inspector.

(Ord. 0-11-82, passed 11-3-82) Penalty, see § 154.999

### **§ 154.187 SPECIAL SIGNS.**

The following signs shall be permitted in any zone without a fee:

(A) One real estate sign per acre not exceeding 12 square feet in outside area; single or double faced; maximum height of eight feet, which advertises the sale, rental or lease of the premises on which said sign is located. Said sign shall not be animated; may be illuminated but only by concealed lighting, and only until 10:00 p.m. Such signs shall be removed by owners or agent within ten consecutive calendar days after the sale, rental, or lease of the premises.

(B) Bulletin board not over 12 square feet in outside area; single or double faced; maximum height of eight feet, for public, charitable, or religious institutions when the same is located on the premises

of said institution. Said sign shall not be animated; may be illuminated, but only by concealed lighting, and only until 10:00 p.m.

©) Memorial signs or tablets, containing the name of the building and the date of erection when built into the walls of the building and constructed of bronze, brass, marble, stone, or other incombustible materials.

(D) Traffic signs, provided that said signs are designed in accordance with the "Manual on Uniform Traffic Control Devices for Streets and Highways", U.S. Department of Transportation, Federal Highway Administration.

(E) Temporary signs, where permitted or required by the Zoning Administrator, to fulfill requirements of this chapter or other resolutions or regulations imposed by a governmental entity.

(F) Signs inside a building, but shall not include signs within open malls or open courts.  
(Ord. 0-11-82, passed 11-3-82) Penalty, see § 154.999

#### **§ 154.188 SIGN PERMIT REQUIRED FOR ERECTION OF SIGNS.**

No sign shall be erected, except as exempted or specified within this chapter, until all required fees have been paid to the proper authorities or their agents and a permit has been issued for such by the Planning and Zoning Commission.

(A) If any sign is removed and any new sign is erected in its place, a permit shall be obtained the same as if a new sign were erected at a new location subject to all requirements enumerated herein.

(B) If any sign is removed for maintenance and replaced on the same supports, a new permit will not be deemed necessary if the size or type of sign is not changed.

©) If any sign is removed from one location and erected at a new location, a new permit shall be obtained.

(D) Alternation or enlargement of any sign shall require a permit the same as for a new sign.

(E) No permit shall be granted until after an application has been filed with the Building Inspector showing the plans and specifications, including dimensions, materials, and details of construction of

proposed structure nor until all provisions herein have been met.  
(Ord. 0-11-82, passed 11-3-82) Penalty, see § 154.999

#### **§ 154.189 APPLICATION FOR SIGN PERMIT.**

(A) Application for a sign permit shall be made and submitted at the office the Zoning Administrator on the appropriate forms furnished by said Administrator.

(B) If any required information is left off of the application or if any of the submitted information is misrepresented on the application, the permit shall be denied or shall become null and void if already issued, regardless of actual construction being started or completed.

©) Any sign not erected or constructed as represented on the application upon which the permit was issued shall not be construed as a hardship case, but shall be construed as a misrepresentation of facts on the application and a violation of this chapter and the owner or agent shall be given a two-week notice to remove said sign or correct the error.  
(Ord. 0-11-82, passed 11-3-82)

#### **§ 154.190 SIGN PERMIT FEES.**

The fee for a sign permit shall be as provided for in the building code of the county or as otherwise established by the legislative body.  
(Ord. 0-11-82, passed 11-3-82)

#### **§ 154.191 CLASSIFICATION OF SIGNS.**

The following classification of signs shall be deemed to include all signs permitted in any zone unless other signs are specifically listed and provided for. The classification of all signs shall be determined by the Zoning Administrator. (For permitted use and location of signs, see § 154.192.)

(A) Class 1. The following signs meeting the following specifications shall constitute class 1 and shall be only business or identification signs, as defined herein:

(1) Structural type, flat or window sign; single-faced only.

(2) Maximum size of sign, 48 square feet.



(3) Maximum height above grade at top of sign, attached directly to building parallel to wall face as defined in § 154.005.

(4) Limitations on number of signs, one sign for each separate use that is a permitted use.

(B) Class 2. The following signs meeting the following specifications shall constitute class 2 and shall be only business or identification signs, as defined herein:

(1) Structural type, only one of the following type signs are permitted in class 2 per each individual use: flat, window, or projecting sign; single- or double-faced.

(2) Maximum size of single sign, 24 square feet.

(3) Maximum height above grade at top of sign, attached to building and projecting no more than 18 inches from the wall face of the building as defined in § 154.005.

(4) Limitations on number of signs, one sign for each separate use that is a permitted use.

(5) Other limitations, shall be neither animated nor illuminated.

©) Class 3. The following signs meeting the following specifications shall constitute class 3 and shall be only business or identification signs, as defined herein:

(1) Structural type, flat, ground, or pole sign; single- or double-faced.

(2) Maximum size of single sign, six square feet in outside area.

(3) Maximum height above grade at top of sign, 12 feet.

(4) Limitations on number of signs, one sign for each curb cut plus any number within the off-street parking areas.

(5) Other limitations:

(a) May be illuminated but only from a concealed light source and shall not be flashing, glaring, nor animated.

(b) Shall be limited in subject matter

to off-street parking direction, and instructions and shall have no merchandise, manufacturing, or service advertising other than that specified in § 154.186.

©) No part of any ground or pole sign shall be closer than five feet from any property line.

(d) No pole sign shall be, at it lowest point, less than ten feet from the ground.

(D) Class 4. The following signs meeting the following specifications shall constitute class 4 and shall be only business or identification signs, as defined herein:

(1) Structural type, only one of the following signs are permitted in this class per each individual use: flat, window, or ground sign, as defined herein.

(2) Maximum size of single sign, 12 square feet in outside area, except as specified in division (D)(4) of this section.

(3) Maximum height above grade at top of sign, 20 feet.

(4) Limitations on number of total area of signs. The total outside area of all signs in a single designated land area shall not exceed in square feet the product of the number of acres, or fractions of acres, in the designated land area multiplied by 25; however, the aggregated area of any such sign or signs shall have an outside area of at least six square feet, and that no single sign shall have an outside area of more than 35 square feet on premises of already developed use or an area of not more than 75 square feet on premises not developed.

(5) Other limitations:

(a) Shall not be animated; may be illuminated but only from a concealed light source.

(b) Shall be temporary only; for advertising development, new construction, or the sale, lease, rental, remodeling, and rebuilding of designated structure, or a designated land area. Permits shall be temporary, and shall be valid for a period not exceeding 182 consecutive calendar days, but are renewable one time only for an additional 182 consecutive calendar days. Such signs shall be removed within ten consecutive calendar days after the completion of the project.

©) Shall be located only on the premises of the property being referred to.

(E) Class 5. The following signs meeting the following specifications shall constitute class 5 and shall be only business or identification signs, as defined herein:

(1) Structural type, individual letters only; single-faced only.

(2) Maximum size of individual sign:

(a) One square foot of area for each horizontal linear foot of building wall open which the sign or signs are to be located.

(b) Maximum size of letters shall be 36 inches in height.

© The total size for individual letter signs shall be computed by taking the area enclosed within a rectangle that is needed to completely encompass each letter or insignia of the sign.

(3) Maximum height above grade at top of sign, attached flat to building, but shall not extend above or beyond any wall of the building as defined in § 154.005.

(4) Limitation on number of signs. One sign for each street frontage of the lot on which the primary permitted use is located, except that where a complex of buildings is an attached shopping complex or an attached group of buildings, only one such sign shall be permitted for each individual separate business building. Separate business building shall be construed to mean space allotted to the operation of one firm, company, or incorporation having separate ownership, or separate rental or lease. A professional office building within such a complex if permitted within the zone under consideration, shall not be considered as containing separate businesses for this purpose, but shall have only one such sign regardless of how many firms, companies, or incorporations having separate ownership, rental, or lease within said office building.

(5) Other limitations:

(a) Shall be neither flashing nor animated.

(b) May be illuminated, but only from a concealed light source.

(F) Class 6. The following signs meeting the following specifications shall constitute class 6 and

shall be only business or identification signs, as defined herein:

(1) Structural type, flat sign, single-faced only.

(2) Maximum size of single sign, only one square foot of area for each horizontal linear foot of building wall upon which the sign or signs are to be located.

(3) Maximum height above grade at top of sign, attached to building, but shall be extend above or beyond any wall of the building as defined in § 154.005.

(4) Limitation on number of signs. One sign for each street frontage of the lot on which the primary permitted use is located except that where a complex of buildings are so constructed and maintained that said complex of buildings is an attached shopping complex or an attached group of buildings, only one such sign shall be permitted for each individual separate business building. Separate business building shall be construed to mean space allotted to the operation of one firm, company, or incorporation having separate ownership, or separate rental or lease. A professional office building within such a complex, if permitted within the zone under consideration, shall not be considered as containing separate businesses for this purpose, but shall have only one such sign regardless of how many firms, companies, or incorporations having separate ownership, rental, or lease within said office building.

(5) Other limitations:

(a) Shall be neither flashing nor animated.

(b) May be illuminated, but only from a concealed light source.

(G) Class 7. The following signs meeting the following specifications shall constitute class 7 and shall be only business and identification signs, as defined herein:

(1) Structural type, pole sign or ground sign, single- or double-faced.

(2) Maximum size of single sign, 60 square feet.

(3) Maximum height above grade at top of sign, 20 feet.

(4) Limitation on number of signs. One sign may be erected for each street frontage of the lot or building site on which the primary permitted use is located.

(5) Other limitations:

(a) Such a sign may be animated providing that the sign is constructed in such a manner as to prevent endangering pedestrians or vehicle traffic by moving parts.

(b) No pole sign shall be, at its lowest point, less than ten feet from the ground.

(H) Class 8. The following signs meeting the following specifications shall constitute class 8 and shall be only business or identification signs, as defined herein:

(1) Structural type, ground sign; single-or double-faced.

(2) Maximum size of single sign, 25 square feet.

(3) Maximum height above grade at top of sign, ten feet.

(4) Limitations:

(a) One sign may be erected for each street frontage of the lot or building site on which the primary permitted use is located.

(b) One sign may be erected for identification purposes of a residential subdivision.

(5) Other limitations:

(a) Shall be neither flashing nor animated.

(b) May only be illuminated from a concealed light source.

(I) Class 9. The following signs meeting the following specifications shall constitute class 9 and shall be only business or identification signs, as defined herein:

(1) Structural type, pole or ground signs; single- or double-faced.

(2) Maximum size of single sign, 300 square feet.

(3) Maximum height above grade at top of sign, 30 feet.

(4) Limitation:

(a) One sign may be erected on each abutting major street identifying a shopping complex of three or more businesses located in a unified building or an attached group of buildings.

(b) One sign may be erected along each abutting arterial street entrance into an industrial zone for the purposes of identifying an industrial park.

(5) Other limitations:

(a) Shall be neither flashing nor animated.

(b) May only be illuminated from a concealed light source; however, may not be lit between the hours of 10:00 p.m. and 6:00 a.m. No part of any ground or pole sign shall be closer than five feet from any property line.

©) No pole sign shall be, at its lowest point, less than ten feet from the ground.

(J) Class 10. The following signs meeting the following specifications shall constitute class 10 and shall be only off premises directional signs, as defined herein:

(1) Structural type, pole or ground sign; single- or double-faced.

(2) Maximum size of single sign, each individual business sign shall not exceed 12 square feet. The combined area of all individual business signs shall not exceed 36 square feet.

(3) Maximum height of above grade at top of sign, 20 feet.

(4) Limitations on number of signs: Only one pole or ground sign may be erected on any lot, providing that approval of the sign location is obtained from the Board of Adjustment. A Class 10 sign is to be classified as a conditional use, and must comply with the requirements as listed in this chapter.

(Ord. 0-11-82, passed 11-3-82; Am. Ord. O-2-95, passed 2-1-95) Penalty, see § 154.999

**§ 154.192 PERMITTED USE AND LOCATION OF SIGNS.**

The following classes of signs may be erected and maintained in the following zones.

| <b>Zones</b>                             | <b>Uses</b>   | <b>Permitted Sign</b> |
|--|---|-----------------------|
| RC-0 and A-1                             | (1) Any use permitted in these zones  | 1, 2, and 4           |
|  | (2) In addition to sign classes permitted in division (1):  |                       |
|  | (a) Off-street parking areas (excluding parking garages)  | 3                     |
|  | (b) All the following uses permitted in these zones (including parking garages):  |                       |
|  | 1. Public owned and/or operated parks, and/or recreation areas including swimming pools   | 5 and 8 or 6 and 8*   |
| R-RE, R-1A,<br>R-1B, R-1C,<br>R-1D, R-1E | 2. Recreational uses other than those publicly owned and/or operated such as golf courses, country clubs, and semi-public swimming pools  | 5 and 8 or 6 and 8*   |
|  | 3. Conditionally permitted areas  | 5 and 8 or 6 and 8*   |
|  | (1) Any use permitted in these zones  |                       |
|  | (2) In addition to sign classes permitted in division (1):  | 4                     |
| R-1CC, R-1DD,<br>R-2, R-3, RMHP          | (a) Conditional uses permitted in these zones   | 5 and 8 or 6 and 8*   |
| PUD, and<br>IM, MLU                      | As approved according to the Stage II development plan  |                       |
| NC,HC,NSC,<br>SC,RC,PO                   | (1) Any use permitted in these zones  | 1, 2, and 4           |
|  | (2) In addition to sign classes permitted in division (1):  |                       |
|  | (a) Off-street parking areas (excluding parking garages)  | 3                     |
|  | (b) Signs for identification of name of shopping complex (three or more businesses located in a unified building or attached group of buildings), however, each individual business in this complex may have: | 7                     |
|  |   | 5 or 6*               |
| I-1, I-2<br>I-4, I-5,<br>INST            | (1) Any use permitted in these zones  | 1, 2, and 4           |
|  | (2) In addition to sign classes permitted in division (1):  |                       |
|  | (a) Off-street parking areas (excluding parking garages)  | 3                     |

| <b>Zones</b> | <b>Uses</b>  | <b>Permitted Sign</b>   |
|--------------|--|-------------------------|
|              | (b) And all uses other than off-street parking areas (however, including parking garages)  | 5 and 8* or<br>6 and 8* |
|              | (C) Signs for identification of name of industrial area or park, including identification of a business within the development or park . | 9**                     |

\* A combination of classes 5 and 6 signs may be used provided that the combined total number of square feet of sign area used shall not exceed one square foot of area for each horizontal linear foot of building wall upon which the signs are to be located.

\*\* Total number of square feet of Class 9 sign area inclusive of the identification of businesses within the industrial development or park shall not exceed that allowed on a Class 9 sign.  
(Ord. O-11-82, passed 11-3-82; Am. Ord. O-18-2000, passed 10-4-00) Penalty, see § 154.999

#### **§ 154.193 CONDITIONAL USE SIGNS AND LOCATIONS.**

The following sign classes may be erected and maintained in the listed zones with review and approval by the Board of Adjustment, providing that these signs shall only be located along arterial roads maintained by the Kentucky State Highway Department, and that all signs shall comply with the requirements of this chapter including the requirements listed in § 154.186.

| <b>ZONES</b>   | <b>USES</b>                       | <b>CONDITIONAL SIGN CLASSES</b> |
|--|-----------------------------------|---------------------------------|
| R-CO, A-1, RMHP, INST, MLU, NC, HC, PO, NCS, SC, RC, I-1, I-2, I-M, I-4, I-5 | Any use permitted in these zones. | Class 10                        |

(Ord. O-2-95, passed 2-1-95)

#### **PERFORMANCE STANDARDS**

##### **§ 154.205 PERFORMANCE STANDARDS FOR ALL ZONES.**

(A) Application of performance standards. After the effective date of this chapter, any use established or changed to, and any building, structure, or tract of land developed, constructed or used for any permitted or permissible principal or accessory use in all zones shall comply with all of the performance standards herein set forth for the district involved. If any existing use or building or other structure is extended, enlarged, or reconstructed, the performance standards for the district involved shall apply with respect to such extended, enlarged, or reconstructed portion or portions of such use or building or other structure.

(B) Time schedule for compliance of performance standards.

(1) Except for standards regulated and enforced by the state, compliance with the provisions of this section shall be according to the following time schedule:

(a) All new installations shall comply as of going into operation.

(b) All existing installations not in compliance as of the effective date of this chapter shall be in compliance within one calendar year of the effective date of this chapter unless the owner or person responsible for the operation of the installation shall have submitted to the Zoning Administrator a program and schedule for achieving compliance, such program and schedule to contain a date on or before which full compliance will be attained and such other information as the Zoning Administrator may require. If approved by the Zoning Administrator, such date will be the date on which the person shall comply.

(2) The Zoning Administrator may require persons submitting such program to submit subsequent periodic reports on progress in achieving compliance.

(C) Performance standards.

(1) Building enclosures. Every use permitted in all zones except the IM, I-1, I-2, I-4 and I-5 industrial zones shall be operated in its entirety within a completely enclosed building. In the IM, I-1, I-2, I-4, and I-5 industrial districts, permitted uses shall be operated either within a completely enclosed building or within an area screened from view at the nearest district boundary, according to § 154.052 and §§ 154.185 through 154.192.

(2) Landscaping.

(a) All required yards shall either be open landscaped and grassed areas or be left in a natural state, if acceptable to the Planning and Zoning Commission. If said area is to be landscaped, it shall be landscaped attractively with lawn, trees, shrubs, and the like, according to the initially submitted plans which were first approved of for the development of such tract as a permitted use.

(b) In areas to be used for off-street parking, the parking arrangement and surfacing must likewise have been approved of for the development of such tract as a permitted use. Any landscaped areas shall be properly maintained thereafter in a sightly and well-kept condition. Parking areas shall likewise be maintained in good condition. Any areas left in a natural state shall be properly maintained in a well-kept condition.

(3) Noise.

(a) For the purpose of measuring the intensity and frequencies of a sound, a type 1 or type 2 sound level meter shall be employed that conforms to specifications published by the American National Standards Institute (specifications for Sound Level Meters S1.4 - 1983, or the latest edition of such standards, shall be used). In the enforcement of the regulation, noises produced by the operation of motor vehicles or other transportation facilities shall not be included in determining the maximum permitted decibel level. The sound pressure of noise radiated continuously from any activity shall not exceed the value given in Tables 1 and 2 of this section, at the location of any receiving land use. If the noise is not smooth and continuous, one or more of the corrections in Table 2 of this section shall be added or subtracted from each of the decibel labels given in Table 1 of this section.

(b) Noise shall be muffled so as not to become objectionable due to intermittence, beat, frequency, or shrillness.

(4) Odorous matter. No emission of odorous matter shall be allowed in excess of ambient air quality standards as set forth by regulations adopted by the Kentucky Department for Natural Resources and Environmental Protection, Division of Air Pollution, Cincinnati Air Quality Region.

(5) Humidity, heat, or glare. Any activity producing humidity, in the form of steam or moist air or producing heat or glare, shall be carried on in such a manner that the steam, humidity, heat, or glare is not perceptible at any lot line. Detailed plans for the elimination of humidity, heat, or glare may be required before the issuance of a building permit.

TABLE 1

MAXIMUM PERMISSIBLE SOUND PRESSURE LEVEL (DECIBELS) AT SPECIFIED POINTS OF MEASUREMENT FOR NOISE RADIATED CONTINUOUSLY FROM A FACILITY

| <u>Receiving Land Use</u>      | <u>7:00am-10:00pm</u> | <u>10:00pm-7:00am</u> |
|--------------------------------|-----------------------|-----------------------|
| Residential                    | 55                    | 50                    |
| Commercial and Industrial Park | 60                    | 55                    |
| Industrial                     | 65                    | 65                    |

TABLE 2  
CORRECTION IN MAXIMUM PERMITTED  
SOUND PRESSURE  
LEVEL IN DECIBELS TO BE APPLIED TO  
TABLE 1

| Type of Operation of<br>Character of Noise                    | Correction<br>In Decibels |
|---|---------------------------|
| Noise source operates less than<br>20% of any one hour period | plus 5*                   |
| Noise source operates less than<br>5% of any one hour period  | plus 10*                  |
| Noise source operates less than<br>1% of any one hour period  | plus 15*                  |
| Noise of impulsive character<br>(hammering, and the like)     | minus 5                   |
| Noise of periodic character<br>(hum, screech, and the like)   | minus 5                   |

\* Apply one of these corrections only

(6) Exterior lighting. Any lights used for exterior illumination, except for overhead street lighting and warning, or traffic signals shall direct light away from the adjoining zones.

(7) Vibration. Vibrations shall be measured at the lot line in all zones except the IM, I-2, I-4 and I-5 industrial zones and at the nearest zone boundary in the IM, I-2, I-4, and I-5 zones. No vibration is permitted which is discernible to the human sense of feeling for three minutes or more duration in any one hour. Vibration shall not produce, at any time, an acceleration of more than 0.1 gravities or shall result in any combination of amplitudes and frequencies beyond the "safe" range of Table 7, United States Bureau of Mines Bulletin No. 442, "Seismic Efforts of Quarry Blasting", on any structure. The methods and equations of said Bulletin No. 442, or any subsequent revision or amendment thereto, shall be used to compute all values for the enforcement of these provisions. Detailed plans for the elimination of vibrations may be required before the issuance of any building permit.

(8) Emissions and open burning. No emission of particulate matter, sulphur compound, carbon monoxide, hydro-carbon, nitrogen oxide, and open burning shall be allowed in all zones in excess of regulations adopted by the Kentucky Department

for Natural Resources and Environmental Protection, Division of Air Pollution, Cincinnati Air Quality Region.

(9) Radiation. All sources of ionizing radiation shall be registered or licensed by the Kentucky State Department of Health and operated in accordance with their regulations.

(10) Electrical radiation. Any electrical radiation shall not adversely affect, at any point on or beyond the lot line, any operation or equipment other than those of the creation of the radiation. Avoidance of adverse effects from electrical radiation by appropriate single or material scheduling operations is permitted.

(11) Storage. In all zones except the IM, I-1, I-2, I-4 and I-5 industrial zones, no materials, products, or supplies shall be stored or permitted to remain on any part of the property outside the buildings constructed thereon. In the IM, I-1, I-2, I-4, and I-5 Zones, storage of materials, supplies, and products on the property outside the building, constructed thereon is permitted to the side and rear of the property providing that the storage of materials, supplies, and products are within an area screened from view at the nearest district boundary, in accordance with § 154.052 and this section.

(12) Fire and explosive hazards. In all zones except the IM, I-2, I-4 and I-5 industrial zones, storage, utilization, or manufacture of solid materials or products including free burning and intense burning is not permitted. In the IM, I-2, I-4, and I-5 Zones only, storage, utilization, or manufacture of solid materials which requires free burning and intense burning may be allowed if permitted in said zones, providing that said materials or products shall be stored, utilized, or manufactured within completely enclosed buildings having incombustible walls and protected throughout by an automatic fire extinguishing system. In the IM, I-2, I-4, and I-5 Zones only, the storage, utilization, or manufacture of flammable liquids, or materials which produce flammable or explosive vapors or gases may be allowed if permitted in said zones, provided that storage, handling, and use shall be in accordance with Standards of American Insurance Association for Storage, Handling, and Use of Flammable Liquids, "American Insurance Association", Pamphlet No. 30, June, 1959, or any subsequent revision or amendment thereto.

(M) Waste. In all zones except the IM, I-1, I-2, I-4 and I-5 industrial zones, no waste material or refuse

shall be dumped upon or permitted to remain upon any part of the part of the property outside of the buildings constructed thereon. All sewage waste shall be treated and disposed of in such manner so as to comply with the standards of the appropriate authority. All plans for waste disposal facilities shall be required before the issuance of any building permit. In the IM, I-1, I-2, I-4, and I-5 Zones, all waste shall be disposed of in accordance with the Regulations of the Kentucky Department of Natural Resources and Environmental Protection, Division of Waste Management.

(N) Mining and reclamation. All methods of operation, construction of roads, backfilling, grading, blasting, water impoundments, treatment facilities, and reclamation must be in conformance with the regulations adopted by the Department for Natural Resources and Environmental Protection, Bureau of Surface Mining Reclamation and Enforcement (KRS 352). Any excavation or processing operations shall be subject to the regulations of the Kentucky Water Pollution Control Commission.

(O) Blasting and explosives. All blasting and the use of explosives must be conducted in accordance with the regulations set forth by the Department of Mines and Minerals, Division of Explosives and Blasting (KRS Chapter 351, Blasting Law) and in accordance with the Standards of Safety for Explosives, for the Commonwealth of Kentucky, prepared by the department of Public Safety, Division of Fire Prevention (pursuant to the authority of KRS 227.300).

(P) Smoke. It shall be unlawful for any person, firm, corporation or entity to permit the emission of any smoke from any source whatsoever to a density greater than that density permitted by the U.S. Environmental Protection Agency (EPA).

(1) Method of measurement. For the purpose of grading the density of smoke, U.S. EPA Method 9, or any subsequent revision or amendment thereto, shall be the standard method of measurement.

(2) Detailed plans for the elimination of smoke may be required before the issuance of any building permit.

(Q) Agricultural and silvicultural operations. No agricultural or silvicultural operation or any of its appurtenances shall be or become a nuisance or trespass, private or public, or be in violation of this chapter, or be restricted by the provision of this

chapter provided the operator of the agricultural or silvicultural operation utilizes normal and accepted practices and the same has been in operation for more than one year, when the operation was not a nuisance at the time the operation began.

(Ord. 0-11-82, passed 11-3-82; Ord. O-01-05, passed 3-16-05) Penalty, see § 154.999

#### **§ 154.206 INTENT CONCERNING DETERMINATION INVOLVED IN ADMINISTRATION AND ENFORCEMENT.**

It is the intent of this chapter that:

(A) Where investigation can be made by the Zoning Administrator or other designated county employee, at the request of the Planning and Zoning Commission using equipment normally available to the county such investigation shall be so made before notice of violation is issued.

(B) Where technical complexity, non-availability of equipment, or extraordinary expense makes it unreasonable, in the opinion of the Planning and Zoning Commission for the county to maintain the personnel or equipment necessary for making difficult or unusual determinations, procedures shall be established for:

(1) Causing corrections in apparent violations of performance standards;

(2) For protecting individuals from arbitrary, capricious, and unreasonable administration and enforcement of performance standard regulations; and

(3) For protecting the general public from unnecessary costs for administration and enforcement.

(C) If the Planning and Zoning Commission finds, after investigations have been made by qualified experts, that there is a violation of the performance standards, he shall take or cause to be taken lawful action to cause correction to within limits set by such performance standards.

(Ord. 0-11-82, passed 11-3-82)

#### **§ 154.207 DUTIES OF ZONING ADMINISTRATOR.**

If, in the judgement of the Zoning Administrator, there is probable violation of the performance



standards as set forth in this subchapter, the following procedures shall be followed:

(A) The Zoning Administrator shall give written notice, by registered mail or certified mail, to the person or persons responsible for the alleged violation. The notice shall describe the particulars of the alleged violation and the reasons why the Zoning Administrator believes there is a violation in fact, and shall require an answer or correction of the alleged violation to the satisfaction the Planning and Zoning Commission within 30 consecutive calendar days of



receipt of such notification. The notice shall state that failure to reply or to correct the alleged violation to the satisfaction of the Planning and Zoning Commission within 30 consecutive calendar days of receipt of said notice constitutes admission of violation of the terms of this chapter.

(B) The notice shall further state that upon request of those to whom said notice is directed, a technical investigation will be made by a qualified expert or experts and that if violations as alleged are found, costs of such investigations shall be charged against those responsible for the violations, in addition to such other penalties as may be appropriate, but that if it is determined that no violation exists, the cost of the investigation will be paid by the county.

(C) If there is no reply within 30 consecutive calendar days of receipt of said notice, but the alleged violation is corrected to the satisfaction of the Zoning Administrator, he shall note "violation corrected" on his copy of the notice, and shall retain it among his official records, taking such other action as may be warranted, as to notify the Planning and Zoning Commission.

(D) If there is no reply within 30 consecutive calendar days of receipt of said notice and the alleged violation is not corrected to the satisfaction of the Planning and Zoning Commission within the established time limited, the Administrator shall proceed to take or cause to be taken such action as is warranted, after receiving the approval of the Planning and Zoning Commission.

(E) If a reply is received within 30 consecutive calendar days of receipt of said notice indicating that the alleged violation will be corrected to the satisfaction of the Planning and Zoning Commission, but requesting additional time, the Planning and Zoning Commission may grant an extension if they deem it warranted in the circumstances of the case and if the extension will not, in their opinion, cause imminent peril to life, health, or property.

(F) (1) If a reply is received within 30 consecutive calendar days of receipt of said notice requesting technical determination as provided in this chapter, and if the alleged violations continue, the Zoning Administrator shall call in properly qualified experts to investigate and determine whether violations exist, after the Planning and Zoning Commission's approval.

(2) If the expert findings indicate violations of the performance standards, the costs of the

investigations shall be assessed against the properties or persons responsible for the violations in addition to such other penalties as may be appropriate under the terms of § 154.999.

(3) If no violation is found, the costs of the investigations shall be paid by the county without assessment against the properties of persons involved.

(Ord. 0-11-82, passed 11-3-82)

## **AMENDMENTS**

### **§ 154.220 FILING OF AMENDMENT APPLICATION.**

All applications for amendments to this chapter shall be filed, in writing, with the Zoning Administrator, to be transmitted to the Planning and Zoning Commission on forms furnished by the Zoning Administrator (in triplicate, see Appendix A). The fee required for applying for such amendment shall be as provided for in § 154.279.

(Ord. 0-11-82, passed 11-3-82)

### **§ 154.221 PLANNING AND ZONING COMMISSION REVIEW REQUIRED.**

A proposal for an amendment to this chapter may originate with the Planning and Zoning Commission, the legislative body, or with the owner of the property in question. Regardless of the origin of the proposed amendment, it shall be referred to the Planning and Zoning Commission for its action before adoption.

(Ord. 0-11-82, passed 11-3-82)

### **§ 154.222 PUBLIC HEARING REQUIRED; NOTICE GIVEN.**

The Planning and Zoning Commission shall hold at least one public hearing on the proposed amendment, at which hearing parties in interest and citizens shall have an opportunity to be heard. Notice of the time and place of such hearing shall be published at least once, but may be published two or more times in a newspaper of general circulation in the county provided that one publication occurs not less than seven calendar days nor more than 21 calendar days before the occurrence of such hearing.

(Ord. 0-11-82, passed 11-3-82)

#### **§ 154.223 OTHER HEARING REQUIREMENTS; ZONING MAP AMENDMENT.**

In addition to the public hearing notice required in § 154.222, the following notices shall also be given when a proposal is submitted to amend the official zoning map;

(A) Notice of the hearing shall be posted conspicuously on the property, the classification of which is proposed to be changed. Said posting shall consist of one or more signs clearly depicting the following information: current zoning classification of property; proposed zoning classification; legal description of proposed zone change area; date and time of public hearing; and address, including the phone number where additional information regarding hearing may be obtained; and

(B) Notice of the hearing shall be given at least 14 days in advance of the hearing by first-class mail, with certification by the commission secretary or other officer of the Planning Commission that the notice was mailed to an owner of every parcel of property adjoining the property, the classification of which is proposed to be changed. Where said property adjoins a street or alley, property abutting the opposite side of such street or alley shall be considered adjoining property. It shall be the duty of the person or persons proposing the map amendment to furnish to the Planning Commission the names and addresses of the owners of all adjoining property within 500 feet of the area to be rezoned. Records maintained by the Property Valuation Administrator may be relied upon conclusively to determine the identity and address of the owner. If the property is in condominium or cooperative forms of ownership, the person notified by mail shall be the president or chairman of the owner group which administers property commonly owned by the condominium or cooperative owners. A joint notice may be mailed to two or more co-owners of an adjoining property who are listed in the Property Valuation Administrator's records as having the same address.  
(Ord. 0-11-82, passed 11-3-82; Am. Ord. O-21-04, passed 10-12-04)

#### **§ 154.224 FINDINGS NECESSARY FOR MAP AMENDMENT.**

Before any map amendment is granted, the Planning and Zoning Commission, or legislative body, must find that the amendment is in agreement with the

adopted Comprehensive Plan by the Planning and Zoning Commission for the county or in the absence of such a finding, that one or more of the following apply, including the making of a written report, setting forth explicitly, the reasons and substantiation as to how each would apply, and such finding and report shall be recorded in the minutes and records of the Planning and Zoning Commission or legislative body.

(A) That the original zoning classification given to the property was inappropriate or improper; and

(B) That there have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in the Comprehensive Plan and which have substantially altered the basic character of such area.  
(Ord. 0-11-82, passed 11-3-82)

#### **§ 154.225 MINIMUM SIZE OF NEW ZONES.**

No amendment to this chapter shall be adopted whereby the zoning classification of an area is changed unless the total area being applied for meets the following requirements as to minimum size. For the purpose of computing the total size of an area to be rezoned for compliance herewith, there shall be added to such area: the area of public rights-of-way interior to the area being changed; one-half the area of public rights-of-way abutting the area being changed; and the area of any land which is contiguous to the area being changed (including land located outside a city but contiguous to the county corporation line) and which land already bears the zoning classification sought for the area being changed. For the purpose of this subchapter, neither continuity nor abutment shall be destroyed by the existence of a street, alley, or city's corporation line. Subject to the foregoing limitations, every zone shall be of at least the following size: the zoning map or maps shall not be amended, changed, or modified in such manner as to create a free standing zone of less than five acres, except where specific area restrictions are stipulated in this chapter, or as outlined in the adopted Comprehensive Plan by the Planning and Zoning Commission.  
(Ord. 0-11-82, passed 11-3-82)

#### **§ 154.226 PLANNING AND ZONING COMMISSION ACTION.**

Following the public hearing held by the Planning and Zoning Commission on the proposed amendment,

the Planning and Zoning Commission shall, within 65 days from the date of the public hearing, advise the legislative body whether it approved or disapproved of the amendment to the zoning regulation, including a statement setting forth explicitly the reasons and substantiation for such action, in the case of a map amendment, the submission of a written report as required in § 154.224.

(Ord. 0-11-82, passed 11-3-82; Am. Ord. 0-4-97, passed 2-19-97)

**§ 154.227 LEGISLATIVE BODY DISPOSITION.**

Within a reasonable time after receipt of the Planning and Zoning Commission's recommendations and findings concerning the application and a copy of the application, the legislative body shall act on



such application. A majority of the entire legislative body shall be required to override the recommendation of the Planning and Zoning Commission.

(Ord. 0-11-82, passed 11-3-82)

**§ 154.228 SUBMISSION OF DEVELOPMENT PLAN  
AS CONDITION TO ZONING MAP AMENDMENT.**

Any request for a zoning map amendment, excluding those submitted by the legislative body or fiscal court (other than for a zone change for land under city or county ownership that the city or county intends to develop) and the Planning Commission, to any zone shall be made in accordance with all applicable requirements of this chapter, including the following:

(A) Application and processing. Application for a zoning map amendment shall include a development plan in accordance with the applicable requirements of § 154.088(D) and shall be processed in the following manner.

(1) The Planning and Zoning Commission shall hold a public hearing on the proposed application in accordance with the requirements of KRS Chapter 424, and review said application with regard to the required elements of the development plan, and other applicable requirements of this section. Upon holding such a hearing, the Planning and Zoning Commission shall make one of the following recommendations to the legislative body: approval, approval with conditions, or disapproval. The Planning and Zoning Commission shall submit, along with their recommendations a copy of the development plan and the bases for their recommendation.

(2) (a) The legislative body shall, within 45 days after receiving the recommendations of the Planning and Zoning Commission, review said recommendations and take action to approve or disapprove the proposed development plan. Such approval may incorporate any conditions imposed by the legislative body. However, should the legislative body take action to impose different conditions than were reviewed and considered by the Planning and Zoning Commission, then said conditions shall be resubmitted to Planning and Zoning Commission for further review and recommendations in accordance with division (A)(1) of this section.

(b) Approval of the zoning map amendment shall require that development be in accordance with the approved development plan.

©) The legislative body shall forward a copy of the approved development plan to the Zoning Administrator or the county's duly authorized representative for further processing in accordance with the applicable requirements for a site plan, as regulated by § 154.054.

(d) Zoning map amendment. Upon approval of the zoning map amendment, the official zoning map shall be amended for the area as shown on the approved development plan.

(B) Stage II site plan.

(1) Before a permit is issued for construction, a site plan shall be developed in conformity with the approved development plan and in accordance with the applicable requirements of § 154.054, and submitted to the Planning and Zoning Commission for review and approval. The site plan may be developed and submitted in sections, in accordance with the phasing identified in the approved development plan. The Planning and Zoning Commission may authorize minor adjustments from the approved development plan, provided that the adjustments do not: affect the spatial relationship of structures, change land uses, increase overall density, alter circulation patterns (vehicular and pedestrian), decrease the amount and/or usability of open space or recreation areas, or affect other applicable requirements of this chapter.

(2) Amendments. Any amendments to plans, except for the minor adjustments which may be permitted by the Planning and Zoning Commission as noted above, shall be made in accordance with the procedure required by this chapter, subject to the same limitations and requirements as those under which such plans were originally approved.

(3) Expiration. The zoning map amendment shall be subject to the time constraint, as noted below. Upon expiration of said time period and any extensions thereto, the legislative body may initiate a request for a public hearing by the Planning and Zoning Commission, in accordance with the requirements of KRS Chapter 100, for the purpose of determining whether said zoning map amendment should revert to its original designation. A public hearing may be initiated if either of the following conditions apply.

(a) A site plan has not been approved by the Planning and Zoning Commission within a period of 12 consecutive months from the date of final approval of the zoning map amendment by the legislative body; provided that an extension may be permitted upon approval of the legislative body or its duly authorized representative, if sufficient proof can be demonstrated that prevailing conditions have not changed appreciably to render the approved development plan obsolete.

(b) Substantial construction has not been initiated within a period of 12 consecutive months from the date of approval of the site plan by the Planning and Zoning Commission; provided that an extension may be permitted upon approval of the legislative body or its duly authorized representative, if sufficient proof can be demonstrated that the construction was delayed due to circumstances beyond the applicant's control and that prevailing conditions have not changed appreciably to render the approved development plan obsolete. The amount of construction that constitutes initiating substantial construction shall be as approved in the approved development plan. (Ord. 0-11-82, passed 11-3-82; Am. Ord. 0-9-96, passed 9-18-96)

### ***BOARD OF ADJUSTMENTS***

#### **§ 154.245 ESTABLISHMENT.**

A Board of Adjustments is hereby established by the county, per KRS 100.127. (Ord. 0-11-82, passed 11-3-82)

#### **§ 154.246 MEMBERSHIP; APPOINTMENT.**

(A) The Board of Adjustments shall consist of three, five, or seven members, all of whom must be citizen members and not more than two of whom may be citizen members of the Planning and Zoning Commission.

(B) The Board of Adjustments shall be appointed in accordance with the agreement signed by members of the joint planning unit. (Ord. 0-11-82, passed 11-3-82; Am. Ord. 0-15-2002, passed 9-4-02)

#### **§ 154.247 TERMS.**

The term of office for the Board of Adjustments shall be four years, but the term of office of members first appointed shall be staggered so that a proportionate number serve one, two, three, and four years respectively.

(Ord. 0-11-82, passed 11-3-82)

#### **§ 154.248 VACANCIES.**

Vacancies on the Board of Adjustments shall be filled within 60 calendar days by the appropriate appointing authority. If the authority fails to act within that time, the Planning and Zoning Commission shall fill the vacancy. When a vacancy occurs other than through expiration of the term of office, it shall be filled for the remainder of that term.

(Ord. 0-11-82, passed 11-3-82)

#### **§ 154.249 OATH.**

All members of the Board of Adjustments shall, before entering upon their duties, qualify by taking the oath of office prescribed by Section 228 of the Constitution of the Commonwealth of Kentucky before any judge, notary public, clerk of court, or justice of the peace within the district or county in which he resides.

(Ord. 0-11-82, passed 11-3-82)

#### **§ 154.250 COMPENSATION.**

Reimbursement for expenses or compensation or both may be authorized for members on the Board of Adjustments.

(Ord. 0-11-82, passed 11-3-82)

#### **§ 154.251 REMOVAL FROM OFFICE.**

Any member of the Board of Adjustments may be removed by the Fiscal Court Judge, subject to the approval by the Legislative Body, for inefficiency, neglect of duty, malfeasance, or conflict of interest. The Fiscal Court Judge exercising the power to remove a member from the Board of Adjustments shall submit a written statement to the Planning and Zoning Commission setting forth the reasons and the statement shall be read at the next meeting of the Board of Adjustments which shall be open to the general public.



The member so removed shall have the right of appeal from the removal to the circuit court of the county in which he resides.  
(Ord. O-11-82, passed 11-3-82)

**§ 154.252 OFFICERS.**

The Board of Adjustments shall elect annually a Chairperson and Vice Chairperson as it deems necessary, and any officer shall be eligible for re-election at the expiration of this term, if they are available at the election of officers.  
(Ord. O-11-82, passed 11-3-82)

**§ 154.253 MEETINGS.**

(A) The Board of Adjustments shall conduct meetings at the call of the Chairperson who shall give written or oral notice to all members of the Board at least seven days prior to the meeting, and the subject or subjects which will be discussed.

(B) A simple majority of the quorum of the Board of Adjustments as established by regulation or agreement shall constitute a quorum. Any member of the Board of Adjustments who has any direct or indirect financial interest in the outcome of any question before the body shall disclose the nature of the interest and shall disqualify himself from voting on the question.

©) The Board of Adjustments shall adopt bylaws for the transaction of business and shall keep minutes and records of all proceedings including regulations, transactions, findings, and determinations and the number of votes for and against each question, and if any member is absent or abstains from voting, indicating the fact, all of which shall, immediately after adoption, be filed in the office of the Zoning Administrator. A transcript of the minutes of the Board of Adjustments shall be provided if requested by a party, at the expense of the requesting party, and the transcript shall constitute the record.  
(Ord. O-11-82, passed 11-3-82)

**§ 154.254 USE OF FINANCES.**

The Board of Adjustments shall have the right to receive, hold, and spend funds which it may legally receive from any and every source in and out of the

Commonwealth of Kentucky, including the United States Government.  
(Ord. O-11-82, passed 11-3-82)

**§ 154.255 ISSUANCE OF SUBPOENAS.**

The Board of Adjustments shall have the power to issue subpoenas to compel witnesses to attend its meetings and give evidence bearing upon the questions before it.  
(Ord. O-11-82, passed 11-3-82)

**§ 154.256 ADMINISTRATION OF OATHS.**

The Chairperson of the Board of Adjustments shall have the power to administer oaths to witnesses prior to their testifying before the Board on any issue.  
(Ord. O-11-82, passed 11-3-82)

**§ 154.257 POWERS.**

Upon appeals, the Board of Adjustments shall have the following powers:

(A) To hear and decide on applications for dimensional variances where, by reason of the exceptional narrowness, shallowness, unusual shape of a site on the effective date of this chapter, or by reason of exceptional topographic conditions, or some other extraordinary situation or condition of that site, the literal enforcement of the dimensional requirements (height or width of building or size of yards, but not population density) of the zoning ordinance would deprive the applicant of reasonable capacity to make use of the land.

(B) To hear and decide appeals where it is alleged, by the appellant, that there is an error in any order, requirement, decision, grant, or refusal made by a Zoning Administrator in the enforcement of this chapter. Such appeal shall be taken within 60 consecutive calendar days.

©) To hear and decide applications for conditional use permits to allow the proper integration into the community of uses which are specifically named herein which may be suitable only in specific locations in the zone only if certain conditions are met as specified in § 154.049.

(D) To hear and decide, in accordance with the provisions of this chapter and the Adopted Comprehensive Plan for the County requests for the change from one nonconforming use to another. (Ord. O-11-82, passed 11-3-82)

#### **§ 154.258 PROCEDURE FOR APPEALS TO BOARD.**

(A) Appeals to the Board of Adjustments may be taken by any person or entity claiming to be injuriously affected or aggrieved by an official action or decision of the Planning and Zoning Commission. Such appeal shall be taken within 30 calendar days after the appellant or his agent receives notice of the action to be appealed from, by filing with the Zoning Administrator and with the Board, a notice of appeal specifying the grounds thereof, and giving notice of such appeal to any and all parties of record. A fee, as required by § 154.279 shall also be given to the Zoning Administrator at this time. Said Zoning Administrator shall forthwith transmit to the Board all papers constituting the record upon which the action appealed from was taken and shall be treated as and be the respondent in such further proceedings. At any hearing by the Board of interested person may appear and enter his appearance, and shall be given an opportunity to be heard.

(B) The Board of Adjustments shall fix a reasonable time for hearing the appeal and give public notice in accordance with KRS Chapter 424, as well as written notice to the appellant and the Zoning Administrator at least two calendar weeks prior to the hearing, and shall decide on the appeal within 60 consecutive calendar days. The affected party may appear at the hearing in person or by attorney. (Ord. O-11-82, passed 11-3-82)

#### **§ 154.259 APPEALS FROM BOARD OF ADJUSTMENTS, PLANNING COMMISSION OR LEGISLATIVE BODY; FINAL ACTION DEFINED.**

(A) Any person or entity claiming to be injured or aggrieved by any final action of the Board of Adjustment shall appeal from the action to the circuit court of the county in which the property which is the subject of the action of the Board of Adjustment lies. Such appeal shall be taken within 30 days after the final action of the Board. All final actions which have not been appealed within 30 days shall not be subject to judicial review. The Board of Adjustment shall be a party in any such appeal filed in the circuit court.

(B) Any person or entity claiming to be injured or aggrieved by any final action of the Planning Commission shall appeal from the final action to the circuit court of the county in which the property which is the subject of the Commission's action lies. Such appeal shall be taken within 30 days after such action. Such action shall not include the Commission's recommendations made to other governmental bodies. All final actions which have not been appealed within 30 days shall not be subject to judicial review. Provided, however, any appeal of a Planning Commission action granting or denying a variance or conditional use permit authorized by KRS 100.203(5) shall be taken pursuant to this division. In such case, the 30-day period for taking an appeal begins to run at the time the legislative body grants or denies the map amendment for the same development. The Planning Commission shall be a party in any such appeal filed in the circuit court.

(C) Any person or entity claiming to be injured or aggrieved by any final action of the legislative body of any city, county or urban-county government, relating to a map amendment, shall appeal from the action to the circuit court of the county in which the property which is the subject of the map amendment lies. Such appeal shall be taken within 30 days after the final action of the legislative body. All final actions which have not been appealed within 30 days shall not be subject to judicial review. The legislative body shall be a party in any such appeal filed in the circuit court.

(D) The owner of the subject property and applicants who initiated the proceeding shall be made parties to the appeal. Other persons speaking at the public hearing are not required to be made parties to such appeal.

(E) For purposes of this chapter, final action shall be deemed to have occurred on the calendar date when the vote is taken to approve or disapprove the matter pending before the body. (Ord. O-11-82, passed 11-3-82; Am. Ord. O-5-99, passed 3-17-99)

#### **§ 154.260 STAY OF PROCEEDINGS.**

An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Administrator from whom the appeal is taken certifies to the Board of Adjustments, after the notice of appeal is filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion, cause

imminent peril to life and property. In such case proceedings shall not be stayed other than by a court of record on application, or on notice to the Zoning Administrator from whom the appeal is taken and on due cause shown.

(Ord. 0-11-82, passed 11-3-82)

#### **§ 154.261 DIMENSIONAL VARIANCES.**

(A) Dimensional variances. Before any dimensional variance is granted, the Board of Adjustments must find all of the following, which shall be recorded along with any imposed conditions or restrictions in its minutes and record and issued in written form to the applicant to constitute proof of the dimensional variance. Such dimensional variance shall not be granted by the Board of Adjustments unless and until:

(1) A written application for a dimensional variance (including the required fee as per § 154.279) and a site plan, subject to the applicable requirements of § 154.054, are submitted demonstrating:

(a) That specific conditions and circumstances exist which are unique to the applicant's land and do not exist on other land in the same zone;

(b) That the manner in which the strict application of the provisions of this chapter would deprive the applicant of a reasonable use of the land in the manner equivalent to the use permitted other land owners in the same zone;

(c) That the unique conditions and circumstances are not the result of actions of the applicant taken subsequently to the adoption of this chapter;

(d) Reasons that the dimensional variance will preserve, not harm, the public safety and welfare, and will not alter the essential character of the neighborhood; and

(e) That granting the dimensional variance requested will not confer on the applicant any special privilege that is not conferred by this chapter to other lands, structures, or buildings in the same zone. No nonconforming use of neighboring lands, and structures in the same zone shall be considered grounds for the issuance of a dimensional variance.

(2) Notice of public hearing shall be given in accordance with § 154.258.

(3) The public hearing shall be held. Any person may appear in person, or by attorney.

(4) Prior to granting a dimensional variance:

(a) The Board of Adjustments shall make findings that the requirements of this section have been met by the applicant for a dimensional variance.

(b) The Board of Adjustments shall further make a finding that reasons set forth in the application justify the granting of dimensional variance and that the dimensional variance is the minimum variance that will make possible the reasonable use of the land, building, or structure, and under no circumstances shall the Board of Adjustments:

1. Grant a dimensional variance which would vary by more than 50% of the applicable regulation when the development is occurring in newly platted areas; and

2. Grant a dimensional variance which would vary by more than 50% of the average height, yard, and setback of existing surrounding development when the proposed obstruction occurs on lots or parcels of land already platted and where more than 51% of said lots or parcels of land are improved with structures, then said development shall be governed by the requirements of division 1. above.

(c) The Board of Adjustments shall further make a finding that the granting of the dimensional variance will be in harmony with the general purpose and intent of this chapter as well as the Adopted Comprehensive Plan for the County and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

(5) In granting any dimensional variance, the Board of Adjustments may prescribe appropriate conditions and safeguards in conformity with this chapter. Violation of such conditions and safeguards, when made part of the terms under which the dimensional variance is granted, shall be deemed a violation of this chapter and punishable under § 154.999 of this chapter.

(B) Dimensional variance cannot contradict zoning regulation. The Board of Adjustments shall not possess the power to grant a dimensional variance to permit a use of any land, building, or structure which

is not permitted by this chapter in the zone in question, or to alter the density of dwelling unit requirements in the zone in question.

©) Dimensional variance runs with land. A dimensional variance applies to the property for which it is granted and not to the individual who applied for it. A dimensional variance also runs with the land and is transferable to any future owner of land, but it cannot be transferred by the applicant to a different site.

(D) Change from one nonconforming use to another. A nonconforming use shall not be changed to another nonconforming use without the specific approval of the Board of Adjustments, as provided herein. The Board of Adjustments shall have the power to hear and decide on applications to convert or change an existing nonconforming use to another nonconforming use, subject to the following:

(1) A written application for a change from one nonconforming use to another (including the required fee as per § 154.279) and a site plan, if applicable, subject to the applicable requirements of § 154.054 shall be submitted to the Board;

(2) Notice of public hearing shall be given in accordance with § 154.258;

(3) The public hearing shall be held. Any person may appear in person, or by attorney;

(4) Prior to granting a change from one nonconforming use to another the Board of Adjustments shall find that the new nonconforming use is in the same or more restrictive classification of use as the prior nonconforming use. In the determination of the same or more restrictive classification of use, the applicant shall establish and the Board of Adjustments shall find as provided in KRS 100.253(2) and as outlined by the following:

(a) That the new nonconforming use shall generate less vehicular traffic (automobile and truck) than the prior nonconforming use;

(b) That the new nonconforming use is of a nature which will emit less noise and air pollution than the prior nonconforming use;

©) That the new nonconforming use will be more in character with the existing neighborhood than the prior nonconforming use, in that it is more in conformance with the Adopted Comprehensive Plan of the County and also, more in

conformance with the uses permitted in the zone in which the use is located, than the prior nonconforming use.

(5) Any change of nonconforming use granted by the Board of Adjustments shall conform to the requirements of this chapter, including, but not limited to: parking requirements, sign regulations and yard requirements, and all other pertinent ordinances of the county.

(6) The Board of Adjustments shall not allow the enlargement or extension of a nonconforming use beyond the scope and area of its operation at which time its use became nonconforming.

(7) The Board of Adjustments, in granting a change of nonconforming uses, may attach such conditions thereto as it may deem necessary and proper; and the action, limitations, and conditions imposed, if any, shall be in writing, directed to the applicant, with a copy to be furnished to the Zoning Administrator's office.

(8) The change of nonconforming use as may be granted by the Board of Adjustments applies to the property for which it is granted and not to the individual who applied and, therefore, cannot be transferred by the applicant to a different property.

(9) In the case where the change of nonconforming use has not occurred within one year after the date of granting thereof; then, without further action, the change of nonconforming use adjustment shall have to be made.  
(Ord. 0-11-82, passed 11-3-82)

#### **§ 154.262 CONDITIONAL USE PERMITS.**

Conditional use permits shall not be issued without specific approval of the Board of Adjustments, as provided herein. The Board of Adjustments shall have the power to hear and decide on applications for conditional use permits, subject to the following:

(A) A written application for a conditional use permit (including the required fee, as per § 154.279) and a site plan subject to the applicable requirements of § 154.054, shall be submitted to the Board.

(B) Notice of public hearing shall be given in accordance with § 154.258;

©) The public hearing shall be held. Any

person may appear in person, or by agent or attorney;

(D) Prior to granting a conditional use permit, the Board of Adjustments shall find that the application for a conditional use permit meets the requirements of § 154.049.  
(Ord. 0-11-82, passed 11-3-82)

### **§ 154.263 DECISIONS OF BOARD.**

(A) In exercising the aforementioned powers, the Board of Adjustments may, so long as such action is in conformity with the provisions of this chapter, reverse or affirm wholly or partly, or may modify the order, requirements, decision, or determination as made by the Zoning Administrator, from whom the appeal is taken.

(B) A simple majority of the quorum of the Board of Adjustments, as established by regulation or agreement, shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator, so long as such action is in conformity with the provisions of this chapter; or to decide in favor of the applicant or any matter upon which it is required to pass under this chapter, or to effect any variation in the application of this chapter.

(C) The details of the decision of the Board shall be forwarded to the Zoning Administrator's office.

(D) Decisions shall be forwarded to the applicant within 60 days.  
(Ord. 0-11-82, passed 11-3-82; Am. Ord. 0-11-89, passed 8-16-89)

## **ADMINISTRATION AND ENFORCEMENT**

### **§ 154.275 ENFORCEMENT OFFICER.**

(A) A Zoning Administrator/Administratrix (official or officials appointed by the county and working under the direction of the County Planning and Zoning Commission for carrying out the provisions and enforcement of this chapter) shall administer and enforce this chapter. They may be provided with assistance of such other persons as the county directs.

(B) If the Zoning Administrator finds that any of

the provisions of this chapter are being violated, he shall take such action as is permitted by law.

©) In addition to the foregoing, the Zoning Administrator shall have the authority to order discontinuance of illegal use of land, buildings, structures, signs, fences, or additions, alterations, or structural changes thereto; discontinuance of any illegal work being done.

(D) All questions of interpretation and enforcement shall be first presented to the Zoning Administrator, and he to the Planning and Zoning Commission, and that such questions shall be presented to the Board of Adjustments only on appeal from the decisions of the Planning and Zoning Commission, and that recourse from the decisions of the Board of Adjustments shall be to the courts as provided by the Kentucky Revised Statutes.

(E) It shall be illegal for any person or entity to interfere with the Zoning Administrator's performance of his duties as defined in this section.

(Ord. 0-11-82, passed 11-3-82) Penalty, see § 154.999

#### **Cross-reference:**

*Performance standards, see § 154.207*

### **§ 154.276 ZONING PERMITS.**

Zoning permits shall be issued in accordance with the following provisions:

(A) Zoning permit required. No public or private building or other structure shall be erected, moved, added to, structurally altered, or changed from one permitted use to another, nor shall any grading take place on any lot or parcel of ground without a permit issued by the Zoning Administrator's office. No zoning permit shall be issued except in conformity with the provisions of this chapter, except after written orders from the Board of Adjustments.

(B) Application for zoning permits. All applications for zoning permits shall be accompanied by:

(1) A completed application form provided by the Zoning Administrator (in triplicate, see Appendix A).

(2) The required fee for a zoning permit as provided for in § 154.279.

(3) A development plan, if required by this chapter; or

(4) A plot plan in triplicate drawing at a scale of not less than one inch to 100 feet showing the following information as required by this chapter.

(a) The existing proposed finished topography of the subject property shown by contours with intervals not to exceed five feet. Where conditions exist that may require more detailed information on the proposed topography, contours with intervals of less than five feet may be required by the Planning and Zoning Commission.

(b) All housing units on the subject property:

1. Detached housing. Location, arrangement, and number of all lots, including exact lot dimensions and setbacks, and maximum height of buildings.

2. Attached housing. Location, height, and arrangement of all buildings indicating the number of units in each building, and, where applicable, location, and arrangement of all lots with exact lot dimensions.

(c) Location, height, arrangement, and identification of all nonresidential buildings and uses on the subject property and, where applicable, location and arrangement of all lots with exact lot dimensions.

(d) All common open space areas, including accurate lot dimensions and the location and arrangement of all recreational facilities.

(e) Landscaping features, including identification of planting areas the location, type, and height of walls and fences.

(f) Location of signs indicating their orientation, size, and height.

(g) All utility lines and easements:

1. Water distribution systems including line sizes, width of easements, type of pipe, location of hydrants and valves, and other appurtenances;

2. Sanitary sewer system, including pipe sizes, width of easements, gradients, type of pipes, invert elevations, location and type of manholes, the location, type, size of all lift or pumping stations, capacity, and process of any necessary

treatment facilities, and other appurtenances;

3. Storm sewer and natural drainage system, including pipe and culvert sizes, gradients, location of open drainage courses, width of easements, location and size of inlets and catch basins, location and size of retention and/or sedimentation basins, and data indicating the quantity of storm water entering the subject property naturally from areas outside the property, the quantity of flow at each pickup point (inlet), the quantity of storm water generated by development of subject area, and the quantity of storm water to be discharged at various points to areas outside the subject property.

4. Other utilities (such as, electric, telephone, and the like) including the type of service and the width of easements.

(h) Location of all off-street parking, loading and/or unloading, and driveway areas, including typical cross sections, the type of surfacing, dimensions, and the number and arrangement of off-street parking, and loading and/or unloading spaces.

(i) Circulation system:

1. pedestrian walkways, including alignment, grades, type of surfacing and width;

2. streets, including alignment, grades, types of surfacing, width of pavement and right-of-way, geometric details, and typical cross sections.

(j) Provisions for control of erosion, hillside slippage and sedimentation, indicating the temporary and permanent control practices and measures which will be implemented during all phases of clearing, grading, and construction;

(k) A schedule of development, including the staging and phasing of:

1. Residential areas, in order of priority, by type of dwelling unit;

2. Streets, utilities, and other public facility improvements, in order of priority;

3. Dedication of land to public use or set aside for common ownership; and

4. Nonresidential buildings and uses, in order of priority.

(5) The information required by division (B)(4)(a) through (k) of this section, may be combined in any suitable and convenient manner so long as the data required is clearly indicated.

(C) Issuance of zoning permit.

(1) The Zoning Administrator shall either approve or disapprove the application (when required by this chapter (such as, a development plan submitted when required) the Planning and Zoning Commission's approval or disapproval shall also be required. If disapproved, two copies of the submitted plans shall be returned to the applicant marked "Disapproved" and shall indicate the reasons for such disapproval thereon. Such disapproval shall be attested by the Zoning Administrator's signature. The other copy, similarly marked, shall be retained by the Zoning Administrator.

(2) If approved, two copies of the submitted plans shall be returned to the applicant marked "Approved". Such approval shall be attested by the Zoning Administrator's signature. The other copy similarly marked, shall be retained by the Zoning Administrator. The Zoning Administrator shall also issue a zoning permit to the applicant at this time and shall retain a duplicate copy for his records.

(D) Failure to comply. Failure to obtain a zoning permit shall be a violation of this chapter and punishable under § 154.999.

(E) Expiration of zoning permit. If a building permit, as required herein, has not been obtained within 180 consecutive calendar days from the date of issuance of zoning permit, said zoning permit shall expire and be canceled by the Zoning Administrator and a building permit shall not be obtainable until a new zoning permit has been obtained. (Ord. O-11-82, passed 11-3-82) Penalty, see § 154.999

## **§ 154.277 BUILDING PERMITS.**

Building permits shall be issued in accordance with the following provisions:

(A) Building permits required. No public or private building or other structure shall be erected, moved, added to, or structurally altered without a permit issued by the zoning office. No building permit shall be issued except in conformity with the provisions of this chapter, except after written order from the Board of Adjustments.

(B) Application for building permits. All applications for building permits shall be accompanied by:

(1) A completed application form provided by the zoning office;

(2) An approved zoning permit;

(3) The required fee for a building permit as provided for in § 154.279;

(4) A development plan, if required by this chapter; or

(5) Plans in duplicate approved by the zoning office and including any additional information required by the building code as may be necessary to determine conformance with and provide for the enforcement of the building code and the Kentucky Revised Statutes.

(6) All building permit applications shall be good for only 90 days after which time they shall expire and no building permit may be issued, except an extension of not more than 60 days may be permitted by the Building Inspector.

(C) Issuance of building permit. The zoning office shall either approve or disapprove the application. If disapproved, one copy of the submitted plans shall be returned to the applicant marked "Disapproved" and shall indicate the seasons for such disapproval thereon. Such disapproval shall be attested by the reviewer's signature. The second copy similarly marked, shall be retained in the zoning office. The zoning office shall also issue a building permit to the applicant at this time and shall retain a duplicate copy for his records.

(D) Compliance. It shall be unlawful to issue a building permit or occupancy permit, to build, create, erect, change, alter, convert, or occupy any building or structure hereafter, unless a zoning permit has been issued in compliance with this chapter.

(E) Building permits issued prior to the adoption to this chapter. Building permits issued in conformance with the building code of the county prior to the date of adoption of this chapter, whether consistent or inconsistent with this chapter, shall be valid for a period of 730 consecutive calendar days from time of issuance of the permit. If construction in connection with such a permit has not been started within such a 730 consecutive calendar day period, the permit shall be void and a new permit, consistent with all provisions of

this chapter and the building code, shall be required. For purposes of this section, construction shall be deemed to have been started at the time of completion of the foundation.

(F) For purposes of this section construction shall be deemed to have been started at the time of completion of the foundation. If after the work described in the building permit has been started, the building permit shall expire after a period of 12 months, providing that a six-month extension may be permitted if sufficient proof can be demonstrated why the work described in the building permit was not completed as herein specified.

(G) Construction and use. To be as provided in application, plans, permits, zoning permits, and building permits issued on the basis of plans and application approved by the Zoning Administrator authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Use arrangement or construction at variance with that authorized shall be deemed in violation of this chapter and punishable as provided by § 154.999.

(Ord. O-11-82, passed 11-3-82) Penalty, see § 154.999

**Cross-reference:**

*Building regulations, see Chapter 150*

**§ 154.278 CERTIFICATE OF OCCUPANCY.**

It shall be unlawful for an owner to use or permit the use of any building or premises or part thereof, hereafter created, changed, converted or enlarged, wholly or partly, until a certificate of occupancy, which shall be a part of the building permits shall have been issued by the Building Inspector. Such certificate shall show that such building or premises or part thereof and the proposed use thereof are in conformity with the provisions of this chapter. It shall be the duty of the Building Inspector to issue a certificate of occupancy provided that he has checked and is satisfied that the building and the proposed use thereof conform with all the requirements of this chapter and the building code. No permit for excavation or construction shall be issued by the Building Inspector before he is satisfied that the plans, specifications, and intended use conform to the provisions of this chapter.

(A) Existing building. Upon written request from the fee owner, the Building Inspector shall issue a certificate of occupancy for any building or premises existing at the time of enactment of this chapter, certifying, after inspection, the extent and

made of the building or premises, and whether such use conforms with the provisions of this chapter.

(B) Lawful nonconforming uses and structures.

(1) A certificate of occupancy shall be required of all lawful nonconforming uses of land or buildings created by this chapter. A fee as provided for in § 154.279 shall be charged for said certificate.

(2) Applications for such certificates of occupancy for nonconforming uses of land and buildings shall be filed with the Zoning Administrator by the owner or lessee of the land or building occupied by such nonconforming uses within six consecutive calendar months of the effective date of this chapter. Failure to apply for such certificate of occupancy will place upon the owner and lessee the entire burden of proof that such use of land or buildings lawfully existed on the effective date of this chapter.

(3) It shall be the duty of the Zoning Administrator to issue a certificate of occupancy for lawful nonconforming uses upon application and such certificate shall identify the extent to which the nonconforming use exists at the time of issuance of such certificate.

(C) Denial of certificate of occupancy. Except as herein stated, a certificate of occupancy shall not be issued unless the proposed use of a building or land conforms to the applicable provision of this chapter and to plans for which the building permit was issued.

(D) Certificate of occupancy records. A record of all certificates of occupancy shall be kept on file in the office of the Zoning Administrator and copies shall be furnished, on request, to any person having a proprietary building affected by such certificate of occupancy.

(Ord. O-11-82, passed 11-3-82) Penalty, see § 154.999

**§ 154.279 SCHEDULE OF FEES.**

**I. SITE DEVELOPMENT PLAN REVIEW.**

(A) Industrial, commercial, and special zones: I-1, I-2, IM, I-4, I-5, NC, HC, NSC, SC, RC, PO, PUD, MLU:

- (1) 0 - 10,000 square feet of building:  
\$0.020/sq. ft. (flat fee) + \$15.00/acre  
(land area) + \$100.00 inspection fee +  
\$15.00 CLUR.



- (2) 10,001 - 60,000 square feet of building: \$0.025/sq. ft (flat fee) + \$15.00/acre (land area) + \$100.00 inspection fee + \$15.00 CLUR.
- (3) 60,000 - 100,000 square feet of building: \$0.30/sq. ft (flat fee) + \$15.00/acre (land area) + \$100.00 inspection fee + \$15.00 CLUR.
- (4) Over 100,000 square feet of building: \$0.035/sq. ft (flat fee) + \$15.00/acre (land area) + \$100.00 inspection fee + \$15.00 CLUR.

(B) Zones A-1, R-RE, R-1A, R-1B, R-1C, R-1CC, R-1D, R-1DD, R-1E, R-2, R-3, RCD, RMHP: \$0.10/sq. ft. (flat fee) + \$15.00/acre (land area) + \$100.00 inspection fee + \$15.00 CLUR.

(C) Cellular/ telecommunications tower site plan review, all zones: \$1,000 (flat fee).

Note: Minimum fee for all zones: \$250 + \$100 inspection fee (co-location on cell towers).

(D) Extension of time of site plan construction work, all zones: \$50 (flat fee) + \$75 inspection fee.

(E) Revision fee of approved site plans, all zones: 50% of original fee.

## II. SUBDIVISION REVIEW.

(A) Preliminary plat: \$500.00 (flat fee) + \$10.00 per acre (land area) + \$15.00 CLUR.

(B) Improvement plan: \$500.00 (flat fee) + \$10.00 per acre (land area) + \$15.00 CLUR.

(C) Final plat: \$400.00 (flat fee) + \$10.00 per acre (land area).

(D) Grading plan: \$400.00 (flat fee) + \$10.00 per acre (land area).

(E) Waiver: \$400.00 (flat fee).

(F) Resubmission or changes to above: 50% of original fee.

(G) Conveyance/identification plat: \$200.00 (flat fee).

Note: CLUR - Certificate of land use restriction.

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(H) Inspection fees. Improvement plan review.

- (1) Earthwork, grading, and final inspection for street inspections: \$1.50 per lineal foot along street centerlines.
- (2) Storm drainage systems: \$0.75 per lineal foot of pipe.

The Sanitation District No. 1 and the Northern Kentucky Water District shall inspect sanitary Sewer and Water Systems, construction and installation, respectively. Results of the inspections shall be forwarded to the Planning Commission's duly authorized representative upon completion. Fire Access and hydrant installation shall be inspected by the governing Fire District Chief and/or Inspector. Approval from these three agencies must be received before Final Plat approval can be granted.

Notes: Construction Inspection fees shall be limited to improvement items to be dedicated for public use and maintenance and grading work on the site.

Construction Inspection fees shall be calculated by the applicant and verified by the Campbell County Planning Commission's duly authorized representative upon review of the submitted improvement drawings.

- (3) Storm drainage systems (if part of the proposed grading plan): \$0.75 per lineal foot of pipe.

Notes: Construction Inspection fees shall be limited to Improvement Items to be dedicated for public use and maintenance and grading work on the site.

Construction Inspection fees shall be calculated by the applicant and verified by Campbell County Planning Commission's duly authorized representative upon review of the submitted improvement drawings.

One hundred percent of the total for inspection fees shall be submitted prior to approval of the grading plan. Grading plan fees that are paid in full are not required as part of the improvement plan and final plat review inspection fee unless changes are made to the grading and storm sewer plans.

**III. ZONE MAP AMENDMENT.**

(A) Zones A-1, R-RE, R-IA, R-1B, R-1C, R-ICC, R-1D, R-1DD, R-IE, R-2, R-3, RCD, RMHP: \$1,000.00 (flat fee) + \$5.00 per adjoining property owner + \$100.00 publication fee + \$10.00 per acre + \$15.00 CLUR.

(B) Zones NC, HC, NSC, SC, RC, PO, PUD, and MLU: \$1,200.00 (flat fee) + \$5.00 per adjoining property owner + \$100.00 publication fee + \$10.00 per acre + \$15.00 CLUR.

©) Zones I-1, I-2, IM, I-4, and I-5: \$1,500.00 (flat fee) + \$5.00 per adjoining property owner + \$100.00 publication fee + \$10.00 per acre + \$15.00 CLUR.

(D) Postponement or continuance of a zoning map amendment request or concept development plan approval requiring a new public hearing (when requested by the applicant and as a result of the applicant's action): 50% of the above flat fee + \$5.00 per adjoining property owner + \$100.00 publication fee.

**IV. BOARD OF ADJUSTMENT AND ZONING APPEAL REVIEW.****(A) Appeals.**

(1) Agricultural and residential zone: \$350.00 (flat fee) + \$5 per adjoining property owner + \$100.00 publication fee + \$15.00 CLUR.

(2) All other zones: \$650.00 (flat fee) + \$5 per adjoining property owner + \$100.00 publication fee + \$15.00 CLUR.

**(B) Change of nonconforming use to another:**

(1) Agricultural and residential zones: \$250.00 (flat fee) + \$5 per adjoining property owner + \$100.00 publication fee + \$15.00 CLUR.

(2) All other zones: \$500.00 (flat fee) + \$5 per adjoining property owner + \$100.00 publication fee + \$15.00 CLUR.

**©) Variance.**

(1) Agricultural and residential zones: \$350.00 (flat fee) + \$5 per adjoining property owner + \$100.00 publication fee + \$15.00 CLUR.

(2) All other zones: \$600.00 (flat fee) + \$5 per adjoining property owner + \$100.00 publication fee + \$15.00 CLUR.

**(D) Conditional use permit.**

(1) Agricultural and residential zones: \$400.00 (flat fee) + \$5 per adjoining property owner + \$100.00 publication fee + \$15.00 CLUR.

(2) All other zones: \$700.00 (flat fee) + \$5 per adjoining property owner + \$100.00 publication fee + \$15.00 CLUR.

**V. ZONING PERMIT FEES.****(A) (1) In all residential zones.**

(a) Single-family: \$50.00 per unit.

(b) Two family, multi-family: \$100.00 per unit.

(c) Manufactured home: \$50.00 per unit

(d) Accessory structures: \$50.00 per unit.

(2) Additions to existing buildings (excluding construction of new units, but including detached buildings):

(a) Increase in size up to 150 square feet: \$50.00.

(b) Each additional 100 square feet: \$10.

**(B) In all other zones. New construction or additions to existing buildings**

(1) Up to 5,000 square feet of gross floor area: \$100.

(2) Each 1,000 square foot over 5,000 square foot of gross floor area: \$10.

(3) Each 1,000 square foot over 100,000 square foot of gross floor area: \$5.

(C) General, in all zones. Change in use/occupancy, when zoning classification and building dimensions are not changed (a building inspection is required prior to occupancy): \$75 (flat fee).

(D) Certificate of occupancy.

(1) Conforming uses and structures: \$50 (flat fee).

(2) Nonconforming uses and structures: \$50 (flat fee).

Note: A certificate of occupancy shall not be issued unless all construction items have been completed (including sidewalks, driveway aprons, decks, and all items required under the current building code).

(E) Sign permit review. All classes (1-10): \$100 per sign.

(F) Swimming pool permit. All zones: \$50 (flat fee).

(G) Fence permit. All zones: \$50 (flat fee).

(H) Other accessory uses. All zones: \$30 (flat fee).

(I) Parking and loading/unloading areas. Off-street parking and loading/unloading areas (when developed separately and not included in residential or commercial listings above) where total area is less than 5,000 square feet.

(1) 0-5,000 square feet: \$50.

(2) Each 1,000 square feet over 5,000 square feet: \$5.

## VI. BUILDING PERMIT FEES

(A) All new construction. Single-family, two-family, multi-family dwellings, commercial, industrial, and other nonresidential new construction, move and set permits, and additions based on total outside dimensions inclusive of living area, garages, storage areas, sales and display areas, and the like, exclusive of basement areas so long as they are not finished: \$0.15 per square foot

(B) Building permit fees for alteration, remodeling (support walls, exterior windows), fences, signs, bridges, patio construction without roofs and side walls, decks, accessory uses, swimming pools, tennis courts, driveways, parking areas, trailer pads, cisterns, detached out buildings (non-agricultural), cellular /telecommunication towers, and all other uses not listed are computed by comparing the estimated construction values as submitted by applicant against the table below. If estimated construction values as submitted by applicant are deemed inappropriate by the Zoning Administrator, the construction costs shall be estimated by the Zoning Administrator using current construction costs.

| <b>Valuation/Building Permit Fee Schedule</b> |      |
|---|------|
| \$0 to \$500                                  | \$30 |
| \$501 to \$1,000                              | \$35 |
| \$1,001 to \$2,000                            | \$40 |
| \$2,001 to \$3,000                            | \$45 |
| \$3,001 to \$4,000                            | \$50 |
| \$4,001 to \$5,000                            | \$55 |
| \$5,001 to \$6,000                            | \$60 |
| \$6,001 to \$7,000                            | \$65 |

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| <b>Valuation/Building Permit Fee Schedule</b> |   |
|---|---|
| \$7,001 to \$8,000                            | \$70  |
| \$8,001 to \$9,000                            | \$75  |
| \$9,001 to \$10,000                           | \$80  |
| \$10,001 to \$11,000                          | \$85  |
| \$11,001 to \$12,000                          | \$90  |
| \$12,001 to \$13,000                          | \$95  |
| \$13,001 to \$14,000                          | \$100   |
| \$14,001 to \$15,000                          | \$105   |
| \$15,001 to \$16,000                          | \$110   |
| \$16,001 to \$17,000                          | \$115   |
| \$17,001 to \$18,000                          | \$120   |
| \$18,001 to \$19,000                          | \$125   |
| \$19,001 to \$20,000                          | \$130   |
| \$20,001 to \$21,000                          | \$135   |
| \$21,001 to \$22,000                          | \$140   |
| \$22,001 to \$23,000                          | \$145   |
| \$23,001 to \$24,000                          | \$150   |
| \$24,001 to \$25,000                          | \$155   |
| \$25,001 to \$50,000                          | \$160 + \$4 per \$1,000 valuation<br>or fraction thereof >25,000  |
| \$50,001 to \$75,000                          | \$265 + \$3 per \$1,000 valuation<br>or fraction thereof >50,000  |
| \$75,001 to \$100,000                         | \$345+ \$2 per \$1,000 valuation<br>or fraction thereof >75,000   |
| \$100,001 and over                            | \$400 + \$2 per \$1,000 valuation<br>or fraction thereof >100,000 |

(F) Demolition permits.

- (1) Single & two family dwellings: \$100 (flat fee).
- (2) Multi-family dwellings, commercial, and other nonresidential uses: \$200 (flat fee).

(G) Electric permit fee: \$30 (flat fee).

(H) County road encroachment permit fee: \$50 (flat fee).

(I) Minimum building permit fee: \$30 (flat fee).

(J) When a time is requested for an inspection (street, storm sewer, excavation, footing, framing, final, and the like) to be performed, everything shall be ready for that inspection. Otherwise, you will be fined according to the following scale:

- (1) First offense: written warning.\*
- (2) Second offense: \$250 (flat fee).\*
- (3) Each additional offense: \$500 (flat fee).\*

Note: \*Records of these violations will follow developer and/or contractors from job to job.

A certificate of occupancy will not be issued until all fines have been paid. You are encouraged to contact this office ahead of time to inform the Building Inspector of any deviation from the scheduled inspection date and time.

(K) Any project started before obtaining a building permit shall be charged double the regular permit rate, but still must comply with all the requirements of the county.

#### **VII. KENTUCKY BUILDING CODE APPEALS BOARD OF CAMPBELL COUNTY REVIEW**

Appeals: \$400.00 (flat fee)

#### **VII. OTHER FEES**

- (A) Copy of Zoning Ordinance: \$30 (flat fee).
- (B) Copy of Subdivision Regulations: \$25 (flat fee).
- (C) Topo, zoning, aerial map copy: \$3 (flat fee).
- (D) Comprehensive plan text: \$35 (flat fee).
- (E) Photocopies (8½ x 11) or (8½ x 14): \$0.25 per copy.
- (F) Photocopies (11 x 17): \$0.50 per copy.
- (G) Change of agenda fee: 50% of original fee.

Note: All fees are due at the time of application, unless otherwise specified, and are non-refundable.  
(Ord. O-11-82, passed 11-3-82; Am. Ord. O-6-84, passed 5-15-84; Am. Ord. O-20-99, passed 10-20-99; Am. Ord. O-1-2001, passed 2-21-01; Am. Ord. O-12-03, passed 8-13-03)

#### **§ 154.280 COMPLAINTS REGARDING VIOLATIONS.**

Whenever a violation of this chapter occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Administrator. The Zoning Administrator shall record properly such complaint, immediately investigate, and take action thereon as provided by this chapter and the Kentucky Revised Statutes. (Ord. O-11-82, passed 11-3-82)

#### **CELLULAR OR WIRELESS COMMUNICATION SYSTEMS**

#### **§ 154.290 PURPOSE.**

This subchapter is intended to enable the Campbell County and Municipal Planning and Zoning Commission, its duly authorized representative, and other agencies, departments, and personnel, to exercise its authority to the fullest extent permitted by law, including the Federal Telecommunications Act of 1996 and Kentucky Revised Statutes, to regulate cellular or wireless communication systems and towers, and any other buildings or structures used in the provision of such service, including their maintenance and removal. Moreover, this chapter is further intended to:

(A) Accommodate the need for cellular or wireless communication towers and facilities for the provision of personal wireless services, while regulating their location and number within Campbell County;

(B) Minimize the adverse visual effects of communication towers and support structures through proper siting, design, and screening;

©) Avoid damage to neighboring properties from cellular or wireless communication towers and support structure failure; and

(D) Encourage the joint use of any new and existing cellular or wireless communication towers and support structures to reduce their number in the future.  
(Ord. O-23-99, passed 11-3-99)

**§ 154.291 TOWER SITING.**

Except as provided in this subchapter, no person shall locate, erect, construct, reconstruct, change, alter, use, or enlarge any cellular or wireless communications tower, facility, building, or structure for the provision of cellular or wireless communication service, except for co-location applications.

(Ord. O-23-99, passed 11-3-99) Penalty, see § 10.99

**§ 154.292 ANTENNA TOWERS FOR CELLULAR TELECOMMUNICATIONS SERVICES OR PERSONAL COMMUNICATIONS SERVICES.**

(A) In regard to cellular antenna towers or alternative cellular antenna tower structures, an antenna tower for cellular telecommunications services or personal communications services may be allowed in any zone permitted by the Comprehensive Plan after receiving Planning Commission review and approval in accordance with the Planning Commission's filing procedures, and at least one public hearing, to ascertain its agreement with the Comprehensive Plan and the Campbell County Zoning Ordinance or regulations, and after being granted a certificate of public convenience and necessity by the Public Service Commission. Co-location of service facilities is preferred. Use of existing electric towers (Cinergy, Owen County Electric, Ohio Valley Electric, and the like) is encouraged as co-locations. Any request for review of a proposal to construct such an antenna tower shall be made only in accordance with division (B)(2) of this section. However, if the property is subject to a Planned Unit Development (PUD), Residential Cluster Development (RCD), or to an existing conditional use permit, the property owner shall obtain approval of an appropriate amendment or modification request. Such request shall be filed simultaneously with the antenna tower for cellular telecommunications services or personal communications services request filed pursuant to this section. Review of a Planned Unit Development (PUD), Residential Cluster Development (RCD), or existing conditional use permit plans shall be limited to a determination of the impact of the antenna tower for cellular telecommunications services or personal communications services construction on the requirements of the Planned Unit Development (PUD), Residential Cluster Development (RCD), or

conditional use permit. The property owner shall be responsible for making any alternative provisions for any alteration of the Planned Unit Development (PUD), Residential Cluster Development (RCD), or existing conditional use permit, or shall obtain a variance or waiver of the specific plan or permit requirement affected by the location of the tower on the site.

**(B) General provisions.****(1) Notice of filing.**

(a) Notice of any request, except for co-location applications, filed under this section shall be sent by the applicant by first-class mail to the owner of every parcel of property within 500 feet of the tower, to the owner of every parcel of property adjoining at any point on the property from which the applicant proposes to create the tower site, and to the owner of every parcel of property directly across the street from the property, if applicable notice shall also be sent by the applicant to the Mayor, City Clerk, and/or any individual elected to represent the specific area in which the tower site is proposed. Such notices shall include the Planning Commission docket number under which the request will be reviewed, the address and telephone number of the Planning Commission's office, and a statement that the recipient has the right to submit testimony to the Planning Commission, either in writing or by appearance at any Committee or Commission meeting scheduled for review of the request. Such notices by first-class mail shall be mailed no sooner than the date of acceptance of the application by the Planning Commission and no later than two calendar days subsequent to that application. An attorney shall certify within five days of mailing that the required notices have been sent.

(b) The applicant shall furnish to the Planning Commission at the time of filing of the request a copy of the notices required by division (B)(1) above and the names and addresses of the owners of property and the governmental officials to whom the required notices will be sent. Records maintained by the Property Valuation Administrator may be relied upon to determine the identity and address of the owners. If the property is in a cooperative form of ownership or has co-owners, notice may be in the manner described in KRS 100.214 (2) for such ownership. The applicant shall

obtain the names and addresses of the applicable governmental officials from the Campbell County and Municipal Planning and Zoning Office.

©) Notice of the filing of the request shall be posted conspicuously in a visible location on the proposed site of the telecommunications facility and in a visible location on the nearest public road at the same time that notice by first-class mail is sent. The applicant shall certify that the postings have been made with this application. The notices shall remain until the Planning Commission issues its final decision or 60 days have passed since acceptance of the request by the Planning Commission, whichever occurs first. The posting shall be as follows:

1. Each sign shall be at least two feet by four feet in size;

2. The sign posted on the proposed site shall state: "(Name of applicant) proposes to construct a telecommunications tower and/or facility on this site. If you have questions, please contact (name and address of applicant). Information on the Planning Commission's review of this proposal may be obtained by calling the Campbell County and Municipal Planning and Zoning Office at (859)581-1777. Please refer to (assigned Planning and Zoning Case No.) in all inquiries."

3. The sign posted on the nearest public road shall state: "(Name of applicant) proposes to construct a telecommunications tower and/or facility near this site. If you have questions, please contact (name and address of applicant). Information on the Planning Commission's review of this proposal may be obtained by calling the Campbell County and Municipal Planning and Zoning Office at (859) 581-1777. Please refer to (assigned Planning and Zoning Case No.) in all inquiries."

4. In both posted notices, the words "proposes to construct a telecommunications tower and/or facility" shall be printed in letters at least four inches in height, and the words "Campbell County and Municipal Planning and Zoning Office at (859) 581-1777" shall be printed in letters at least one inch in height. Both signs shall be constructed of durable, weatherproof material.

(2) *Application requirements, except co-location applications.* Applications for the construction of cellular antenna towers for cellular telecommunications services or personal communications services shall include the following:

(a) All information that the applicant is required by 807 KAR 5:063 to submit to the Commonwealth of Kentucky Public Service Commission;

(b) A copy of the applicant's FCC license, or, if the applicant is not an FCC license holder, a copy of at least one letter of commitment from an FCC license holder to locate at least one antenna on the applicant's tower.

©) 1. Unless co-locating, certification, supported by evidence, that co-location of the proposed telecommunications facility with an existing approved tower or facility cannot be accommodated. The applicant's certification shall include a listing of all existing towers and facilities, a description of each existing site, and an explanation of the ability or inability to co-locate on each existing site according to the following table:

a. For a tower proposed to be 200 or more feet tall, all towers and facilities within a 1½-mile radius of the proposed site;

b. For a tower proposed to be at least 100 feet but less than 200 feet tall, all towers and facilities within a one-mile radius of the proposed site; and

c. For a tower proposed to be less than 100 feet tall, all towers and facilities within a ½-mile radius of the proposed site.

2. Reasons for not co-locating on a site may include, but not be limited to, the following:

a. No existing towers or facilities are located within the above radius of the site;

b. Existing towers or facilities are not of sufficient height to meet the applicant's engineering requirements;

c. Existing towers or facilities do not have sufficient structural strength to support applicant's proposed antenna and related equipment;

d. Applicant's planned equipment would cause radio frequency interference with other existing or planned equipment of the tower or facility, or the existing or planned equipment of the tower or facility would cause interference with the applicant's planned equipment which cannot be reasonably prevented;

**Campbell County - Land Usage**

e. Unwillingness of the owner of the existing tower or facility to entertain a co-location proposal;

f. Existing towers or facilities do not provide an acceptable location for requisite coverage for the applicant's communications network.

3. If the applicant relies upon any of the above captioned reasons for failure to co-locate, the applicant shall provide documentary evidence of this fact, signed and notarized by a duly qualified registered professional engineer.

(d) 1. Unless co-locating, certification, supported by evidence, that the proposed site is the only appropriate site within the immediate area for the location of the telecommunications facility. The applicant's certification shall include a listing of potential sites, a description of each potential site, and of the ability or inability of the site to host a telecommunications facility according to the following table:

a. For a tower proposed to be 200 or more feet tall, all potential sites within a 1½-mile radius of the proposed site;

b. For a tower proposed to be at least 100 feet but less than 200 feet tall, all potential sites within a one-mile radius of the proposed site; and

c. For a tower proposed to be less than 100 feet tall, all potential sites within a ½-mile radius of the proposed site.

2. Potential sites that should be considered (in order from most preferred to least preferred) include: highway rights-of-way, except designated parkways, existing utility towers, industrial districts, commercial districts and commercial centers, government buildings, office towers, and residential towers. Reasons for not locating on a potential site may include, but not be limited to, the following:

a. Unwillingness of the site owner to entertain a telecommunications facility;

b. Topographic limitations of the site;

c. Adjacent impediments that would obstruct adequate cellular telecommunications and/or personal communications transmission;

d. Physical site constraints that would preclude the construction of a telecommunications facility;

e. Technical limitations of the telecommunications system.

3. If the applicant relies upon any of the above captioned reasons for failure to co-locate, the applicant shall provide documentary evidence of this fact, signed and notarized by a duly qualified registered professional engineer.

4. Existing potential sites do not provide an acceptable location for requisite coverage for the applicant's communications network.

(e) As of July 1 of each calendar year, a listing of the present locations of the applicant's telecommunications towers and/or facilities in Campbell County, and an "annual plan" covering the applicant's next year network build-out of telecommunications facilities within Campbell County. With each application, the applicant shall provide any changes to the "annual plan" that have occurred since July 1, or verify the continued accuracy of the plan submitted. This annual report shall also affirmatively state which of the applicant's towers are currently in use, and those whose use has been discontinued within the past year.

(f) A pictorial representation, such as a silhouette drawing, photograph, or the like, of the proposed telecommunications facility from a point 400 feet from the facility in each of the four compass directions, showing the relationship of the tower and/or facilities against the massing of surrounding structures, trees, and other intervening visual masses.

(g) A justification statement demonstrating that the proposed construction is in agreement with the Comprehensive Plan.

(3) *Guarantee.*

(a) To insure the removal of all improvements at any abandoned telecommunications facility, any applicant filing a request under this section shall, at the time of submittal of the list of existing towers and "annual plan", deposit with the Planning Commission, and to the benefit of the Planning Commission, a performance bond or other security acceptable to the Planning Commission, in the amount equal to the cost of the demolition and removal of the telecommunications tower. The Planning and Zoning



Commission shall determine the amount. An applicant having multiple telecommunications facilities within Campbell County may deposit a single guarantee in the amount equal to the cost of demolition and removal of the one telecommunications facility it owns which would cost the most to demolish and remove until such time as the number of its multiple telecommunications facilities exceeds four such facilities, both existing and projected within the current calendar year. 2001 S-5

(b) At such time as the approved number of one applicant's multiple telecommunications facilities exceeds four such facilities, the applicant shall increase the amount on deposit to an amount equal to the cost of the most costly demolition and removal, times 25% of that applicant's total number of telecommunications facilities both existing and projected within the next calendar year. Any guarantee submitted shall be irrevocable and shall provide for the Planning Commission to collect the full amount of the guarantee if the applicant fails to maintain the guarantee.

(4) *Special expert consultants and costs.*  
The Planning Commission may retain special expert consultants as it deems necessary to provide assistance in the review of site location alternatives analysis and removal. Application fees may be established to cover the costs of staff and/or special expert consultant review of requests filed under this section.

©) *Design standards.* At the time of filing of a request under this section, the applicant shall provide information demonstrating compliance with the requirements listed below. Where the Planning Commission finds that the conditions or circumstances relating to the particular application are such that one or more of the requirements listed below are not necessary or desirable for the protection of surrounding property or the public health, safety, or welfare, either at the time of application or in the foreseeable future, and that such special conditions and circumstances make one or more requirements unduly burdensome, the Planning Commission may modify or waive such requirement, either permanently or on a temporary basis. The applicant shall request any such modification or waiver, and the applicant shall submit a written justification for each requested modification or waiver.

(1) All structures, except fences, shall be located at least 50 feet from the property line of any residentially zoned property and shall, in all other circumstances, observe the yard requirements of the district in which they are located.

(2) The site shall be landscaped in accordance with the following requirements: Existing on-site vegetation shall be preserved to the maximum extent practical. All tower fencing enclosures shall be landscaped with at least one row of a mixture of locally indigenous deciduous trees, shrubs, and Norway Spruce trees at least eight feet tall initially, to provide a complete cover of fencing and all structures within the enclosure, except for the tower itself. White pines trees are prohibited. These trees and any shrubs shall be planted such that the buffer contains no more than two feet of spacing at the time of planting. The provisions of this landscaping requirement may be waived or modified by the Planning Commission. However, before any such waiver or modification may occur, the applicant shall request same in his application and provide the Planning Commission with photographs of the site that specifically identify the existing vegetation that the applicant plans to use for a buffer. Before granting any such modification or waiver, the Planning Commission shall specifically find that the existing vegetation on the proposed site meets or exceeds the goals of these landscaping requirements, which are to prevent the traveling public and adjacent property owners from viewing the structures.

(3) Any monopole, guyed, lattice, or similar type cellular antenna tower and any alternative cellular antenna tower structure similar to these towers, such as light poles, shall be camouflaged to blend in with the surroundings (i.e. disguised to resemble a woody tree with a single trunk and branches on its upper part). Alternate sections of aviation orange and aviation white paint may be used only when the FAA finds that none of the alternatives to such marking are acceptable.

(4) A cellular antenna tower or alternative cellular antenna tower structure may be constructed to a maximum height of 200 feet, regardless of the maximum allowed height for the zone in which it is located. This also applies to any tower taller than 15 feet constructed on the top of another building, with the height being the overall height of building and tower together, measured from the grade to the highest point. When any tower as described above is proposed to result in an overall height greater than 200 feet, the Planning Commission may allow the overall height to exceed 200 feet if the Commission, upon review of the applicant's written justification for the additional height, finds that the request for additional height meets the four criteria enumerated in division (B)(2) of this section. However, when any cellular antenna tower or alternative cellular antenna tower structure is taller than the distance from its base to the nearest property line,

the applicant shall furnish the Planning Commission with a certification from an engineer registered in the Commonwealth of Kentucky that the tower will withstand winds of 70 miles per hour, in accordance with current ANSI/EIAITIA standards. When a tower taller than 15 feet constructed on the top of another building results in the overall height of the building and tower, including any antenna, being greater than the distance from the base of the building to the nearest property line, the applicant shall furnish to the Planning Commission this same certification.

(5) A cellular antenna tower or alternative cellular antenna tower structure may be artificially lighted only with steady-burning red obstruction lights (FAA type L-810) or flashing red obstruction lights (FAA type L-864) flashing no faster than 20 flashes per minute. Flashing red obstruction lights (FAA type L-864) flashing faster than 20 flashes per minute, medium intensity flashing white obstruction lights (FAA type L-865 or L-866), high intensity flashing white lights (FAA type L-856 or L-857), or dual flashing red obstruction lights and medium intensity flashing white obstruction lights (FAA types L-864/L-865) may be used only when the FAA specifies that the specific lighting pattern is the only lighting pattern acceptable to promote aviation safety.

(6) The site shall be unstaffed. Personnel may periodically visit the site for maintenance, equipment modification, or repairs. To accommodate such visits, access shall be only from access points approved by the applicable Works Department, and there shall be provided on site an area sufficient to accommodate the parking of the service vehicle. The site shall be enclosed by an eight-foot high security fence, and may be located in any required yard. The fence shall be woven wire or chain link (80% open) or solid fences made from wood or other materials (less than 50% open). The use of barbed wire or sharp pointed fences shall be prohibited.

(7) Any site to be purchased or leased for the installation of a cellular antenna tower or alternative cellular antenna tower structure and ancillary facilities shall comply with the minimum lot size requirements of the zone in which the site is located.

(8) The applicant shall supply certification that the facility complies with the FCC's regulations concerning radio frequency emissions. To the extent that the facilities do not comply with the FCC's regulations, the Planning Commission may establish additional requirements on the basis of the environmental effects of radio frequency emissions. (See Pub. L. 104104, Sec. 704).

(9) If the use of any cellular antenna or cellular antenna tower or alternative cellular antenna tower structure is discontinued, the owner shall provide the Planning Commission with a copy of the notice to the FCC of intent to cease operations within 30 days of such notice to the FCC. If the cellular antenna or cellular antenna tower or alternative cellular antenna tower structure will not be reused, the owner shall have 180 days from submittal of the FCC notice to the Planning Commission to obtain a demolition permit and remove the antenna or tower that will not be reused. If the cellular antenna or cellular antenna tower or alternative cellular antenna tower structure is to be reused, the owner shall have no more than 12 months from submittal of the FCC notice to the Planning Commission in which to commence new operation of the antenna or tower to be reused. Upon failure to commence new operation of the antenna or tower that is to be reused within 12 months, the cellular antenna or cellular antenna tower or alternative cellular antenna tower structure shall be presumed abandoned, and the owner shall immediately obtain a demolition permit and remove the antenna or tower that is presumed abandoned. If the owner fails to remove an antenna or tower in the time provided by this division, the Planning Commission may cause the demolition and removal of the antenna or tower and recover its costs of demolition and removal from the guarantee deposited by the applicant pursuant to division (B)(3)(a) of this section.

(10) The only signs allowed on any such site shall be emergency information signs, owner contact information, warning or safety instructions, and signs required by a federal, state, or local agency. Such signs shall not exceed five square feet in area and shall be constructed of a weatherproof material. (Ord. O-23-99, passed 11-3-99)

#### § 154.293 MAINTENANCE.

Any owner of property used as a cellular or wireless communications site shall maintain such property and all structures in good condition and free from trash, outdoor storage, weeds and other debris. Any cellular or wireless communications tower that has discontinued its service for a period of 12 continuous months or more shall be removed, along with all accessory structures related thereto. **DISCONTINUED** shall mean that the structure has not been properly maintained, has been abandoned, become obsolete, is unused or has ceased the daily activities or operations that had occurred. (Ord. O-23-99, passed 11-3-99)

**§ 154.294 FINDINGS OF FACT.**

Before approving any application of site plan, the Planning Commission shall make the following findings of fact:

(A) There is a need for the proposed wireless telecommunications tower;

(B) The applicant has complied with all provisions of this subchapter and § 154.054 regarding site plan requirements;

(C) The applicant has made a bona fide attempt to co-locate the proposed wireless communication tower or facility on an existing tower or structure, but co-location is not feasible because:

(1) There are no existing, appropriate facilities in the proposed service area, or

(2) There are existing, appropriate facilities in the proposed service area, but all attempts at co-location have failed for any or all of the reasons contained in § 154.292(B)(2)(c).

(D) The proposed application is in compliance with the Comprehensive Plan.

(E) The proposed facility does not adversely affect the public health, safety, or welfare and will not cause a hazard or nuisance to the public.  
(Ord. O-23-99, passed 11-3-99)

**§ 154.295 REVOCATION OF PLANNING AND ZONING COMMISSION APPROVAL.**

(A) The Planning and Zoning Commission shall revoke any and all prior approvals given an applicant upon a showing and finding that (a) the applicant committed fraud upon the Planning and Zoning Commission in the application process, or (b) has manifested an intent not to comply with any prospective requirements under this subchapter, Kentucky Revised Statutes, or the applicable Property Maintenance Code.

(B) Upon revocation of such prior approval or approvals, the applicant shall have 60 days from any final order upholding the Planning and Zoning Commission's decision to revoke to remove the offending towers or structures. If not removed within this time period, the tower and/or structures shall be deemed abandoned and the Planning and Zoning Commission shall have the authority under this

subchapter to demolish the structures or towers and utilize all bonds posted during the application process as payment for same.  
(Ord. O-23-99, passed 11-3-99)

**§ 154.296 APPEALS.**

The appellate rights of any applicant aggrieved by any decision of the Planning and Zoning Commission to overrule a uniform application for a certificate of public necessity under this subchapter shall be limited to the Public Service Commission review and authority to override the Commission's decision as set forth in the Kentucky Revised Statutes. Any party aggrieved by an order of the Planning and Zoning Commission revoking a prior acceptance of a uniform application for a certificate of public necessity shall have 30 days to appeal the decision in the Campbell County Circuit Court.  
(Ord. O-23-99, passed 11-3-99)

**§ 154.999 PENALTY.**

Violation of this chapter shall be a class B misdemeanor. Each day of violation shall constitute a separate offense.  
(Ord. O-11-82, passed 11-3-82)



## **CHAPTER 155: PROPERTY MAINTENANCE CODE**

### **Section**

- 155.01 Adoption of property maintenance code
- 155.02 Additions, insertions and changes
- 155.03 Saving clause

### **§ 155.01 ADOPTION OF PROPERTY MAINTENANCE CODE.**

A certain document, one copy of which is on file in the following offices:

(A) Campbell County Clerk at Alexandria, Kentucky;

(B) Campbell County Clerk at Newport, Kentucky;

(C) Campbell County Planning and Zoning Office, at Newport, Kentucky; and,

(D) Campbell County Judge Executive's Office, under ordinance number, being marked and designated as the "International Property Maintenance Code" as published by the International Code Council Inc., be and is hereby adopted as the Property Maintenance Codes of the County of Campbell, Commonwealth of Kentucky; for control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code are hereby referred to, adopted, and made a part hereof, as if fully set out in this chapter, with additions, insertions, deletions and changes prescribed in § 155.02 of this chapter.  
(Ord. O-10-03, passed 8-13-03)

### **§ 155.02 ADDITIONS, INSERTIONS AND CHANGES.**

The following sections of said International Property Maintenance Code are hereby revised as follows:

(A) In Section 101.1 Insert the words "Campbell County, Kentucky" in place of the words "NAME OF JURISDICTION".

(B) In Section 103.1 Insert the words "The Planning & Zoning Department shall serve as the department of property maintenance inspection. The Director of Planning & Zoning shall serve as the code official."

(C) In Section 103.6 Insert the words "The Fee Schedule shall be the then current Fee Schedule as approved by the Campbell County Fiscal Court, and on file with the Planning & Zoning Department."

(D) In Section 106.4 Insert the words "Any person who violates any provision of this ordinance shall be guilty of a Class B Misdemeanor punishable by confinement in jail for a period of not more than ninety (90) days, or a fine of not more than Two Hundred and Fifty (\$250.00) dollars, or both confinement and a fine" at the end of the paragraph.

(E) In Section 303.14 Insert the words "April 15th to October 15th" in place of the words "[DATE] to [DATE]".

(F) In Section 602.3 Insert the words "October 15th to April 15th" in place of the words "[DATE] to [DATE]".

(G) In Section 602.4 Insert the words "October 15th to April 15th" in place of the words "[DATE] to [DATE]".  
(Ord. O-10-03, passed 8-13-03)

### **§ 155.03 SAVING CLAUSE.**

Nothing in this chapter or in the Property Maintenance Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this chapter.  
(Ord. O-10-03, passed 8-13-03)

